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JUNE 1967

U. S. CRIME: ITS SCOPE AND CAUSES

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Wiretapping and Eavesdropping

by HERMAN SCHWARTZ, Professor of Law, State University of New York at Buffalo;

Control of Firearms

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June, 1967

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August, 1967

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CURRENT History

JUNE, 1967

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What is the nature of crime in the United States today? How best can it be dealt with? What protections are needed—both for the nation as a whole and for the individual citizen? In this issue, the first of a 3-issue set on crime in America, six articles will probe these questions. Our introductory author, in reviewing the genesis of crime, notes that “we may feed our consciences by putting our morals into law, but we feed the underworld by putting our mores into practice.”

The Genesis of Crime

By ROBERT K. WOETZEL

Professor of International Politics and Law, Boston College

THE SPREAD OF CRIME has become a major problem for the United States. President Lyndon Johnson recently called for a concerted attack on the problems of crime and, on March 28 and 29 of 1967, over 700 specialists on law enforcement gathered in Washington for the first national conference on crime. Chief Justice Earl Warren addressed the law enforcement officers and asked, on the one hand, for a concentrated effort to root out organized crime, and on the other, for respect for traditions of justice in this country: "The government always wins when justice is done." Causes of crime were diagnosed, from poverty to weak law enforcement, and methods for upgrading police and judicial administration were discussed.

¹ Figures on crime are taken from the report issued by the President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S. Government Printing Office, 1967), issued in February, 1967.

But when all was said, the reality of the spread of crime, both organized and individual, as evidenced by statistics issued by the FBI Crime Reports Section, hung like a dark cloud over the conference and the nation. No amount of diagnosis could dispel the uncomfortable feeling that present approaches to crime prevention were merely scratching the surface of the problem. In the face of the fact that over 90 per cent of 1700 Americans polled admitted they had committed a jailable offense, theorizing of experts seemed like a vain effort to rationalize what is apparently inherently wrong with the system: a basic conflict between *mores* and morality; the contrast between what people preach and how they act.

In the period from 1964 to 1965¹, the rates of offenses per 100,000 population had increased from 4.8 to 5.1 willful homicides, 10.7 to 11.6 forcible rapes, 58.4 to 61.4 robberies, 101.8 to 106.6 aggravated assaults, 580.4 to 605.3 burglaries, 368.2 to 393.3 larceny cases

of \$50 and over, 242.0 to 251.0 motor vehicle thefts, 175.7 to 184.7 total crimes against persons, and 1,190.6 to 1,249.6 total property crimes. These statistics are offenses *known* to the police; a large number of offenses go undetected. The age group from 15 to 17 was proportionately the most heavily involved in this increase of crime—an indication of the seriousness of juvenile delinquency.

Obviously, a general breakdown of standards is under way. Family ties are more readily broken; churches have lost their controlling effect on the behavior of their members; middle class values no longer appeal to youth; and the display of corruption enacted by the adult world on all levels—from official to social—attest to a confusion of ends and practice. A reassertion of ethical standards would seem to be inevitable, but in the meantime greater social unrest and attendant violence is indicated.

RISE OF ORGANIZED CRIME

Complementing this phenomenon is the continuing rise of organized crime which uses violence and intimidation to secure profitable ends at the expense of undermining our governmental system. The President's Commission on Law Enforcement and Administration of Justice stated in its report that "Much of the money organized crime accumulates comes from innumerable petty transactions: 50-cent bets, \$3-a month private garbage collection services, quarters dropped into racketeer-owned jukeboxes, or small price rises resulting from protection rackets." However, the main sources of organized crime's income are gambling, loan sharking, narcotics, prostitution, bootlegging, and legitimate businesses that have been infiltrated like the automatic coin industry.

Organized crime has recently taken on a protective coating of legitimacy. Since the days in the 1950's of the McClellan committee investigations in the Senate on improper activities in labor and management, organized crime has infiltrated legitimate busi-

nesses like real estate and meatpacking. The report states that "One criminal syndicate alone has real estate interests with an estimated value of \$300 million." Twenty-four groups operating as criminal syndicates in major cities across the nation constitute the core of organized crime.

While individual crimes reflect the breakdown of law and order in many neighborhoods, the Chief Justice in his address to the national conference on crime stressed the dangerous and subversive character of organized crime, which feeds on corruption in law enforcement agencies and requires the cooperation of citizens "who hold their heads high in the community." Justice Warren indicated, as examples from his own knowledge, that certain immoral establishments in California were run with the cooperation of banking, real estate and furniture executives who tried to prevent law enforcement officers from interfering.

THE POLICE AT WORK

From the standpoint of police officials concerned with such cases, and others, however, the Supreme Court decisions on *Miranda* and *Escobedo*, for example, requiring that defendants be informed of their right to counsel and other privileges and immunities, did not make their task any easier.²

Nevertheless, some police chiefs, such as O. W. Wilson of Chicago, have utilized modern technology, computers, and similar aids, to increase the efficiency of their forces. The Supreme Court rulings on civil rights and civil liberties have not "handcuffed" such efforts, despite the claims that they would by some opponents of the decisions. The *Speck* murder case, for one, was handled by the Chicago police department without any violation of the rules of interrogation. And while, according to the American Civil Liberties Union, the Los Angeles police department has frequently violated prohibitions on illegal search and seizure and other constitutional safeguards, (as indicated in such cases as *People v. Cahan*), crime rates have not decreased in that area.

In fact, crime statistics indicate that the

² For excerpts from the *Miranda* decision, see pp. 359 ff. of this issue.

so-called "tough" approach, which violates the Constitution, has actually led to an increase of crime, as compared to the more restrained police tactics of the Chicago department which coincide with a proportionate decrease. The Chief Justice's remarks on the need for just standards might be extended to cover "connivance of the police" which in itself represents a further aggravation of crime and lawlessness. When the governor of Alabama, Mrs. Lurleen Wallace, defies a federal court integration order by daring the court to enforce it, anarchy and lawlessness are well served. The same holds true for resistance by law enforcement officers to Supreme Court decisions on defendants' rights.

THE FEDERAL PROGRAM

Regardless of the controversy about *Miranda* and *Escobedo*, the spread of criminal activity, and the attendant corruption of police and judicial agencies, has become a major threat to the order of the nation and the safety of the citizens. The President's Commission has recommended a program of federal support to help meet eight major needs: 1) state and local planning; 2) education and training of criminal justice personnel; 3) surveys and advisory services concerning organization and operation of criminal justice agencies; 4) development of co-ordinated national information systems; 5) development of a limited number of demonstration programs in agencies of justice; 6) scientific and technological research and development; 7) institutes for research and training personnel; and 8) grants-in-aid for operational innovations.

To be effective the program must be related to other major efforts across the nation such as the Office of Economic Opportunity and Vista, which aim at improving living conditions in the ghetto areas of the country. The President's Commission did not stress these efforts in its recommendations; it was mainly concerned with the law enforcement

aspects of the problem. This may indicate a basic flaw in the approach taken both by those who wish to raise economic standards as a prerequisite to effective crime control and those who favor a tougher law enforcement approach: it is exemplified by the current controversy over wiretapping—a controversy which finds the President's Commission seeming to favor the use of wiretapping in the control of crime while the Attorney General and the President appear to regard this as a dangerous device which could easily lead to the abuse of citizens' rights of privacy.

The problem, however, cannot be solved in this way; one must ask oneself the question whether or not wiretapping or any other method, such as the antipoverty program or the proposed federal safe streets legislation, would solve the problems of crime to any substantial degree. It is clear that wiretapping would make it easier to apprehend certain individuals involved in organized crime operations. But would it curtail to any extent the massive overall operations of the syndicates, whose turnover of business has been estimated to total one-tenth of our gross national product or approximately \$80 billion? Apparently, even if some wiretapping were allowed, this would still be subject to strict regulation by warrant or other judicial instrument. Similarly, would the elimination of certain slums make enough people over to reform any substantial number of the 50 per cent³ of ghetto juveniles now involved in serious offenses? Or, would a substantial increase in police forces solve the problems posed by illegal gambling, for example, when in some cities much of the force does not even believe in the antigambling legislation?

All these questions tie in with a basic phenomenon which Lisle Carter, assistant secretary of Health, Education, and Welfare, discussed in the final meeting of the national conference on crime: even though more than 90 per cent of all Americans commit serious offenses of one kind or another, for the most part they grow up to become useful citizens. Perhaps this indicates that we are a nation of individualists and that conformity is not always the solution. In fact, one might add

³ A figure noted by Lisle Carter, assistant secretary of Health, Education and Welfare.

that enforced conformity sometimes stimulates rebellion and lawlessness, especially in the morals area. As a result, we may feed our consciences by putting our morals into law, but we feed the underworld by putting our mores into practice.

It is true that law can help to enforce moral standards, but, in a pluralistic society with different moral creeds, this would seem not to be the main criterion for legislation. According to the American Law Institute's model penal code, which has been adopted in Illinois, a crime is a real or threatened injury sustained without consent. Many of the actions upon which organized crime feeds, and which are proscribed in law thus creating a vacuum into which the underworld steps, are not crimes in that sense. They may be immoral actions from one standpoint or another—such as drinking, or extramarital sexual activity. But they do not constitute real or threatened injuries which would qualify as crimes. Furthermore, in many cases the prohibitions involved represent impositions on members of other religious faiths. For example, Roman Catholics must have felt severely imposed upon by prohibition, as Jews may be offended by Sunday closing laws, or agnostics by antibirth control legislation.

The closing laws offer an excellent example for analysis of the supply-demand function of organized crime in the larger cities; the public's want of entertainment after regular closing hours finances organized crime's after-hours establishments. It is not the criminal syndicate which stimulates transgressions of the so-called "blue laws," but the demands of the American public. As the late Will Rogers used to say, the people of Kansas will vote dry as long as they can stagger to the polls.

The roots of this dichotomy may be found in the American Puritan past (when adulterers were burned on their foreheads with the letter A) or, as modified by Catholics, in a form of Irish Jansenism. Laws like those on homosexuality find their origin in sixteenth century England. Today a strange alliance of God-fearing men and the criminal syndicates has sprung from the effects of the pro-

hibition era. (In some parts of the country, like Harlan County, Kentucky, these groups actually banded together to vote for prohibition, each for their own reasons.) As for prostitution, the Catholic philosopher St. Thomas Aquinas maintained that legalized prostitution might be a lesser evil; but American Catholics and members of other faiths are unlikely to accept this doctrine—a doctrine something akin to the policy of the FBI not to drive Communists underground but rather to keep a close watch on their activities. Reason would indicate that this approach could accomplish more in control of crime than persecution which involves, at one time or another, almost all members of the American population who frequent after-hours places or illegal gambling casinos and the like.

No amount of economic aid or law enforcement can change a people's most deep-rooted habits and instincts. Realistic law may do more for higher moral standards than the legislation of well-meaning reformers alternating with the periods of abandon that seem to characterize the history of our major cities. A Fiorello La Guardia in New York City did not prevent a William O'Dwyer and there are many other examples to show that the American public cannot, in Walter Lippmann's words, defy the devil with a wooden sword. The Kefauver Senate Committee hearings in the 1950's which focused on Mayor O'Dwyer's connections with criminal syndicates, in particular Boss Frank Costello, did not result in any appreciable decrease in crime. In this area, sensationalism merely seems to whet the appetite while the public is delighted by the publicity given its hidden proclivities; even reform groups show a morbid fascination for the details of the "smut" they are trying to outlaw. Elected officials like Mayor La Guardia or New York State's Governor Thomas Dewey ride to power and fame on anticrime programs which had no chance of lasting success in view of the public's demand for the services of crime.

Tragic by-products of this phenomenon are the violence and bloodshed that usually

accompany the operations of crime, in spite of the agreement among the leading underworld figures after the prohibition era gang wars to avoid such public bloodletting. The gangland slayings in the Boston area during 1966 and 1967 attest to the continuing *omerta** discipline of *Cosa Nostra*—the leading crime syndicate, according to the Justice Department. Further, the haunts of gangsters are unsafe and, in view of the hypocritical attitude of law enforcement agencies toward such places, citizens unfortunate enough to become involved in any fracas there have little protection.

Payoffs to police officials which range from \$30 to several hundred dollars for higher officers provide further evidence of corruption. Finally, the protests of the new generation and their relative tolerance toward illegal activities of one variety or another, whether it be sexual or LSD, attest to a growing disillusionment with the standards of the past.

CRIME AND POLITICS

Organized crime has infiltrated the political process; it has bought governors, mayors, police chiefs, judges and district attorneys. It would seem that the phenomenon is part of national life, that organized crime, reputed to be the second largest business of the nation after government, is a pillar of the community. As Justice Warren pointed out to the national conference on crime, the flamboyant funerals of leading underworld characters have been attended by leading citizens of the community and police chiefs eager to make obeisance to the power of the syndicate. Communion breakfasts have been presided over by high-ranking members of the clergy sitting next to leading gangsters. The unholy alliance between the establishment and crime has even been cemented through intermarriage. An aura of excitement often surrounds the appearance of leading underworld figures; when Al Capone entered a hotel at the same time as President Herbert Hoover, he attracted a much larger crowd. Underworld leaders often frequent the same estab-

lishments that prominent citizens do; the late Albert Anastasia, for example, reputed head of Murder Incorporated, was gunned down in the hotel where Mrs. Eleanor Roosevelt was staying at the time.

EFFECT ON LAW ENFORCEMENT

The public's attitude toward such incidents vacillates from outrage to bemused tolerance, especially when gangsters are killing each other. The effect on fair law enforcement and the corrosion of public morals are not understood and the public is more likely to react to individual instances of brutality than to the larger picture. In fact, frontier ethics condoned some of the practices of today's underworld competition; the moguls of the great American era of capitalist expansion were hardly less ruthless in building their empires. The railroad wars in New York State at the turn of the century boasted as many, if not more, casualties, as the gangland murders of the late 1920's. Joseph Profaci, a leading gangster who was also a philanthropist, died a respected citizen in his community in New Jersey, just as the descendants of the moguls are governors, ambassadors and leading financiers, regardless of how their fortunes were made.

The pattern of organized crime, and the infiltration of organized criminals into society, is not unique. The system operates on two levels, legal and illegal, and this moral ambivalence is fed by the American success creed, the Horatio Alger tradition, according to which nothing succeeds like success. In view of the dichotomy between institutionalized ends and legitimate means, many a young "punk" feels that the only chance for success is through organized crime. The careers of leading gangsters attest to a sense of frustration at working through regular society where a good name, inherited wealth, education and the like count—advantages which many of them did not enjoy. Equality of opportunity is a dead letter when it comes to someone who grew up in a ghetto, and it is not surprising that many gangsters hail from a region like the Brownsville section of Brooklyn, for example.

* Underworld code.

Finally, the methods of organized criminals and individual gangsters meet their counterpart in the establishment. The ruthless pursuit of anticrime war sometimes leads a law enforcement official to adopt the same tactics as the pursued. In one case involving a leading underworld figure in New Orleans, the Attorney General of the United States apparently ordered an illegal deportation, and the recent arrest in a New York restaurant of underworld captains en masse was later condemned by the courts. We are used to thinking of ourselves as a nation under law; however, the reality seems to be quite different, and the actions of law enforcement officials tend to confirm this. Illegal searches and seizures are perhaps even more corrosive of public safety than connivance with organized crime; when the government adopts the same measures as gangsters, it becomes organized crime. This is no less true here now than it has been in authoritarian countries like Nazi Germany or the Soviet Union, at least during the Stalin era, when there were no safeguards against police brutality and arbitrary arrest.

CRIME IN OTHER NATIONS

How have other countries faced their crime problems? In brief review, most European countries do not proscribe the activities of social behavior—from gambling to homosexuality—on which so much of organized crime feeds in the United States. England recently legalized gambling; narcotics are available there on medical prescription; and Parliament has passed the draft of a law legalizing sexual relations between consenting adults. In Holland and Denmark, such activities are legal, and police experience there shows that it is much more effective to supervise establishments catering to such tastes than to suppress them. The same seems to apply to the narcotics problem.

With regard to police brutality and arbitrary law enforcement, England has had a statute regulating the limits of police jurisdiction for half a century, and decisions like *Escobedo* and *Miranda* are reflected in the legislation of European countries with the

possible exception of Germany, which takes a more interventionist attitude and where preventive detention which could last several years was restricted only recently.

The United States is far behind in such legislation; there is no statute indicating for the benefit of police officers and the public alike what the limits of jurisdiction should be. The piecemeal approach—vacillating between certain Supreme Court decisions and certain tougher laws (on “stop and frisk,” as well as the one on interrogation passed in the District of Columbia recently and vetoed by the President)—makes any uniform code of justice difficult to enforce. States’ rights, too, have been used as a buffer against federal intervention on human rights and civil liberties, notably in the South. By and large, crime problems are still conceived of as fringe issues not involving all of our national life.

What Alexis de Tocqueville stated in his *Democracy in America* over a century ago is still true today: the public may be excited over a particular issue such as an abuse of justice in a particular jail or an especially brutal slaying, but it tends to ignore the larger problems which gave rise to it. The only solution may be a *modus vivendi* which will satisfy the tastes of the public and at the same time reduce violence and other by-products of syndicate operations—at least until the people have learned that it is impossible to outlaw sin and that control of crime requires a closer look at ourselves and our national character.

Robert K. Woetzel formerly taught at New York and Fordham universities. He has served as a member of the Center for the Study of Democratic Institutions in Santa Barbara and as director of the Ford Fund research project on crime at New York University. Mr. Woetzel is the author of numerous books and articles on organized crime and criminal law and is currently secretary-general of the International Criminal Law Commission.

Exploring the roots and fruit of organized crime in America, this authority concludes that the most "extraordinary thing about organized crime is that America has tolerated it for so long."

Organized Crime in the United States

By G. ROBERT BLAKLEY
Professor of Law, Notre Dame Law School

THE ROOTS of organized crime run deep in our culture and our history.¹ Our early pirates were among the first. Our revolutionary period produced its smugglers. The early nineteenth century, too, produced a variety of gangs: the city mobs of New York and San Francisco, arising out of ethnic friction, poverty and the crude politics of the early metropolises; the highwaymen, gamblers and slave snatchers of the old West, such as John Murrell with his operations

along the Natchez trace; the river and port pirates such as Jean Lafitte in New Orleans. The end of the century produced frontier gangs who, as often as not, were either mercenaries or parties in the multiple struggles over land, cattle, grazing fields, mining and timber properties. In this century, World War I produced the James boys, the Daltons, the Youngers and others.

Yet all this had its impact on an America of yesterday.² The population was then small—only four million in 1790; by 1850, only 23 million.³ The United States was sparsely settled—only five people per square mile in 1790; by 1850, only eight. The nation itself was small—in 1790, less than a million square miles; by 1850, less than three million. Americans lived in rural areas, and were a stable, largely homogeneous people, people who farmed, largely by hand. In 1790, just over 200,000 Americans lived in cities; by 1850, just over 3,500,000. And at that, the cities were small. In 1790, the United States had no cities over 50 thousand in population; by 1850, only 10.

With the beginning of the twentieth century, however, the American scene had begun to change. The population by 1930 had risen to 123 million. The national population density was 34 per square mile.⁴ The United States was no longer a small nation. The shift from rural area to city was well past the halfway mark. The early nation of small farmers was fast disappearing and the population was no longer uniform. Those were

¹ See generally, Gus Tyler, "The Roots of Organized Crime," *Crime and Delinquency* (New York: Kraus), VIII (1962), pp. 325-38, and Tyler, "An Interdisciplinary Attack on Organized Crime," *Annals*, May, 1963, pp. 104, 107-09.

² On the meaning of the contrast of today and yesterday in the administration of criminal justice, see generally, Roscoe Pound, *Criminal Justice in the American City* (summary edition; Cleveland: Cleveland Foundation, 1922), pp. 32-54. The President's Commission on Law Enforcement and Administration of Justice noted in its Report: ". . . the American system was not designed with Cosa Nostra type criminal organizations in mind, and it has been notably unsuccessful to date in preventing such organizations from preying on society." *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice* (1967), p. 7 (hereinafter cited as *President's Report*).

³ Except as noted, statistics in this paragraph are taken from *The Statistical History of the United States* (Stamford, Conn.: Fairfield, 1965). See *President's Report*, p. 27, for a list of factors that must be taken into account in interpreting crime data. It includes density and size of population and the metropolitan area of which it is a part and the economic status of the people.

⁴ *The U.S. Book of Facts, Statistics & Information* (New York: Horizon, 1965). The northeastern part of the United States was, of course, much higher in density: 210; cities, too, were higher: New York—22,000.

the years, too, when the nation absorbed wave after wave of immigration.

The late nineteenth and early twentieth century thus saw the rise of the great city-wide gang combinations, usually in alliance with the *nouveaux riches* and the *nouveaux politiques*. The first gangs of the Little Old New York area were Irish. San Francisco in the gold rush days had its Australians.

⁵ Concern that identification of the ethnic character of the dominant group in organized crime casts an unfair reflection on Italian-Americans generally is misplaced. The identification, however, does present real dangers. Finding that the "racketeers" are "foreigners," we run the risk of "escape-goatism." The tendency is to blame the problem on others. The "culture is not only relieved of sin but (it) can indulge itself in an orgy of righteous indignation." Tyler, "The Roots of Organized Crime," *Crime and Delinquency*, pp. 325, 334. The immigrant may have brought the Mafia and the Camorra with him, but to have survived and prospered, both groups must have found fertile soil. There is more than the mere significance of nomenclature in the change of the name of the group to La Cosa Nostra. *President's Report*, p. 192. We run the risk, too, of blithely assuming that as soon as the acculturation process has been completed, the whole mess will disappear. See Daniel Bell, "Crime as an American Way of Life," in *The End of Ideology* (2nd ed., New York: Collier, 1962), pp. 127-50. The idea is attractive; it calls for no action on our part; it finds no fault in our present way of life. Unfortunately, it has shown no signs of happening. Finally, the tendency to identify organized crime with the Italian-American makes us blind to the considerable operations of those of other ethnic derivations.

⁶ For a fascinating contemporary account of these two groups, see F. Marion Crawford, *Southern Italy and Sicily and the Rulers of the South II* (New York: Macmillan, 1900), pp. 363-85.

⁷ *The Kefauver Report on Organized Crime* (Washington, D.C., 1951), hereinafter cited as *Kefauver Report*.

⁸ See generally, *Organized Crime and Illicit Traffic in Narcotics*, S. Rep. No. 72, Committee on Government Operations, United States Senate, 89th Cong., 1st Sess. 11-18 (1965), (hereinafter cited as *Organized Crime Report*).

⁹ See generally, Robert Thomas Anderson, "From Mafia to Cosa Nostra," *The American Journal of Sociology*, November, 1965, p. 302; *Organized Crime Report* at pp. 7-11.

¹⁰ Unless otherwise noted this data on the national scope and internal structure of La Cosa Nostra is taken from the *President's Report*, pp. 192-95; from testimony of Robert F. Kennedy in *Organized Crime and Illicit Traffic in Narcotics*, Hearings before the Permanent Subcommittee on Investigations, Committee on Government Operations, United States Senate, 88th Cong., 1st Sess. 5-35 (1963) and from the testimony of J. Edgar Hoover, the director of the Federal Bureau of Investigation, in Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 89th Cong., 2nd Sess. 271-78 (1966) (hereinafter cited *Hoover*).

New York in the mid-1920's saw the embarrassment of the Jewish community at the phenomena of the "Jewish gangster." By the 1930's however, the Italian-Sicilians had gained dominance everywhere.⁵

The Italian-Sicilians were the last of the great immigrant groups. Like the others before them, they came seeking hope in a new country; yet with them came two predatory groups: the Mafia of Sicily and the Camorra of Naples.⁶ Largely through the efforts of the Italian government in the 1920's and 1930's, many members of the Mafia and the Camorra found it necessary to seek refuge and victims in a new country.⁷ At first, largely during the era of prohibition, these groups warred among themselves and against those who came before them. Like business, industry and finance in the United States at the turn of the century, however, organized crime had its great consolidator—Charles "Lucky" Luciano.⁸ It was Luciano who finally brought the various factions together and through the unique strength of the Italian groups' family-like structure⁹ was able to forge the confederation that now is dominant in organized crime everywhere.

STRUCTURE OF THE "FAMILIES"

Today, the core of organized crime in the United States consists of 24 groups operating as criminal cartels in large cities across the nation.¹⁰ The wealthiest and most influential operate in New York, New Jersey, Illinois, Florida, Louisiana, Nevada, Michigan and Rhode Island. Estimated overall strength of the core groups is put at 5,000, of which 2,000 are thought to be in the New York area alone. These groups, coupled with their allies and employees, constitute the heart of organized crime in the United States at this time.

Each of the 24 groups is known as a "family." Membership varies from 700 down to 20. Most cities have only one family; New York City has five. Family organization is rationally designed with an integrated set of positions geared "to maximize profits" and to protect its members, particularly its leadership, from law enforcement. Like any large corporation, and unlike the

criminal gangs of the past, the organization functions regardless of individual personnel changes, and no one individual is indispensable. The killing of Jesse, for example, ended the James gang; the deportation of Luciano merely resulted in the leadership passing to Frank Costello.

The hierarchical structure of the families closely parallels that of Mafia groups that operated for almost a century on the island of Sicily. Each family is headed by a "boss," whose primary functions are order and profit. Beneath each boss is an "underboss." He collects information for the boss; he relays messages to him and passes his instructions to his underlings. On the same level with the underboss is the *consigliere*, who is often an elder member, partially retired, whose judgment is valued. Below him are the *caporegime*, who serve either as buffers between top men and lower level personnel, or as chiefs of operating units. As buffers, they are used to maintain insulation from the investigative procedures of the police. "To maintain their insulation . . . , the leaders . . . avoid direct communication with the workers."

¹¹ See generally, Donald Cressy, "Organized Crime As a Social System," in *Proceedings, First National Symposium on Law Enforcement, Science and Technology* (1967).

¹² See generally, G. Robert Blakey, "Organized Crime and Corruption Practices," in *Proceedings, First National Symposium on Law Enforcement, Science and Technology* (1967).

¹³ Today, however, most of the "destructive energies of organized crime are no longer dissipated on internal strife; they are concentrated on its outside enemies." Earl Johnson, "Organized Crime: Challenge to the American Legal System," 53 *J. of Cri. L. Crim & Pol. Sci.*, 399, 409 (1962), (hereinafter cited Johnson). The scope of the violence for which organized crime has been responsible is illustrated by the number of gangland killings in Chicago. Since 1919, there have been over 1,000 such murders. One of the most recent victims was found with a bullet hole in his throat and a dime—the sign of an informer—on his chest. *Chicago Daily News*, Feb. 22, 1967, p. 1. Only a few have resulted in arrests. *A Report on Chicago Crime for 1964: Chicago Crime Commission*, p. 43. This should be contrasted with the national statistics; 91 per cent of all murders are cleared through arrest. See, e.g., *Crime in the United States: Uniform Crime Reports*, 1965, p. 19. This is not because the police have not been able to identify the killers; informants have usually within a day or so identified the "hit man" and specified the motive; it has been because "hit men" are professionals who leave no evidence. See Peter Wyden, *The Hired Killers* (New York: Morrow, 1963), pp. 193-98.

All commands, information, complaints and money flow back and forth through the buffer. Below the *caporegime* is the *soldati* or the "button" man. He actually operates the particular illicit enterprise, using as his employees the street-level personnel of organized crime. These employees, however, have no insulation from detection by police action. It is they who are most often arrested, for it is they who "take bets, drive trucks, answer telephones, sell narcotics, tend stills, or operate legitimate businesses." And often they are not of Italian extraction. For example, in a major lottery business in a Negro neighborhood in Chicago, the workers were Negro; the bankers, Japanese-Americans; but the operation "was licensed, for a fee, by a family member."

There is a tendency to see organized crime in terms of those groups engaged in gambling, narcotics, loan sharking or other illegal business. This is useful since it distinguishes youth gangs, pickpockets and professional criminals generally, which groups are ad hoc. There are at least two aspects of high level organized crime, however, that "characterize it as a unique form of criminal activity": the "enforcer"¹¹ and the "corruptor."¹² The duty of the enforcer is to maintain organizational integrity by arranging for the maiming and killing of recalcitrant members.¹³ The corruptor has as his function the establishment of relations with those public officials and other influential persons whose assistance is necessary to achieve the organization's goals. By including these positions, each family becomes not only a business but a government.

The highest ruling body of the 24 families is the "commission." This body serves as a combination legislature, supreme court, board of directors, and arbitration panel. Members look to the commission as the ultimate authority on organizational and jurisdictional disputes. It is composed of the bosses of only the nation's most powerful families, but has authority over all. Its composition has varied from 9 to 12 men. Currently, 9 families are represented; 5 from New York City, 1 each from Philadelphia, Buffalo, Detroit and Chi-

cago. The commission is not a representative or elected body. Members are not equals. Men with long tenure, the heads of large families, those with unusual wealth, all exercise greater authority and command greater respect. The balance of power rests with the New York leaders and New York has always been at least the unofficial headquarters of the entire organization.

PROFESSIONAL GAMBLING

Organized crime has never limited itself to one particular criminal activity.¹⁴ Law enforcement officials agree today, however, that syndicated gambling is the greatest source of revenue for organized crime. The general prevalence of gambling seems to indicate that gambling is a fundamental human activity

¹⁴ Unless otherwise noted this data on gambling is taken from *President's Report* at pp. 188-99.

¹⁵ *Syndicated Gambling in New York State: A Report of the New York State Commission of Investigation*, 101 (1961). Assuming the mores of the community would support wholesale legalization, it would be no panacea. Aspects of the industry would still have to be regulated. Judgments, for example, would have to be made, inter alia, on issues such as credit gambling, the enforcement of gambling debts, age limits, the number of permissible places and types of gambling, the honesty of the games, the character of people permitted to run the games, and the extent of taxation on the games. See generally, Virgil Peterson, *Gambling—Should It Be Legalized?* (Springfield, Ill.: C. C Thomas, 1951). Indeed, it may be fairly observed that legalization would merely change the battleground, not end the law enforcement war associated with gambling. The verdict on legalization, where it has been tried, moreover, is not yet in. New York's attempt with legalized bingo, for example, was at first a failure. See generally, *Bingo Control Inquiry: A Report to Nelson A. Rockefeller* (1962); *An Investigation of Bingo in New York State: A Report by the New York State Commission of Investigation* (1961).

¹⁶ See generally, *An Investigation of Law Enforcement in Buffalo: A Report of the New York State Commission of Investigation* (1961), pp. 31-42.

¹⁷ See generally, *Syndicated Gambling in New York State: A Report of the New York State Commission of Investigation* (1961), pp. 18-57.

¹⁸ See generally, *Gambling and Organized Crime*, S. Rep. No. 1310, Permanent Subcommittee on Investigations, Committee on Government Operations, United States Senate, 87th Cong., 2nd Sess. 26-33 (1962) on the aspects of corruption.

¹⁹ Records of gambling operations today are most often kept on highly combustible paper which immediately ignites completely with the touch of a cigarette. *Syndicated Gambling in New York State: A Report of the New York State Commission of Investigation* 22 (1961).

that cannot be suppressed. From this, the professional gambler has led the American people unquestioningly into the patently false conclusion that gambling must therefore be controlled by the professionals.¹⁵ In truth, the operations of the professionals can only be described as parasitic and corruptive. The estimated net take is placed at \$7 billion, probably twice that gained from all other crime combined.

Professional gambling activities today range from simple lotteries to bookmaking on horse or sports events. Most of our nation's large slum areas have within them some form of a lottery known as "numbers."¹⁶ Bets are placed on any three digit numbers from 1 to 1,000. The mathematical odds of winning are, therefore, 1,000 to 1. Seldom, however, is the pay-off over 500 to 1, and then, on "cut numbers," it is even less. The "gambler" thus seldom gambles. In addition, he hedges his bet by a complicated "lay-off" system. Even assuming an honest pay-off—an unguaranteed occurrence—the ultimate effect of the racket is to drain the income of slum residents away from food, clothing, shelter, health and education. This says nothing of corruption.

The professional bookmaker,¹⁷ on the other hand, has at least the virtue of exploiting primarily those who can afford it. Yet he seldom "gambles" either. He gives track odds or less without track expenses, is invariably better capitalized or "lays off," takes credit bets to off-balance the bettor's judgment and stimulate the play and, finally, often as not, fixes the event by corrupting private and professional sports to his own ends.¹⁸ Honest police enforcement of existing laws is widely hampered, inter alia, by the use of modern scientific developments such as flash paper¹⁹ or telephone and organizational techniques such as street-level expendable personnel.

NARCOTICS

Next to professional gambling, most law enforcement officials agree that the importation and distribution of narcotics—chiefly heroin—is organized crime's major illegal

activity.²⁰ Its estimated take is \$350 million a year. More than one-half of the known heroin users are in New York City. Others are located primarily in the other great metropolitan areas. Within the cities, addiction is largely found in areas with low average income, poor housing and high delinquency rates. The addict himself is likely to be male, between 21 and 30 years old, poorly educated, unskilled, and a member of a disadvantaged minority group.

The destruction of the human personality, the violation of human dignity, even death, associated with addiction need not here be belabored. More, however, is involved. Environment, too, is affected. The cost of narcotics varies, but it is seldom low enough to permit the typical addict to obtain drugs by lawful means. Estimates of the percentage of crime caused by addiction run to 50 per cent; although the figure cannot be accurately assessed, it is clear that it is high. Thus, addiction in the ghetto seriously affects the quality of urban life.²¹

The need for action in the direction of medical and psychological treatment of the addict and general improvement of the social environment that produces him seems clear. It is, however, a false dichotomy which sees

²⁰ Unless otherwise noted this data on narcotics is taken from *President's Report*, pp. 211-31.

²¹ Strikingly, recent surveys of attitudes of people living in the Harlem and Watts areas of New York City and Los Angeles ranked crime and drug addiction with housing and economic conditions as the most serious problems faced in the ghetto. *Federal Role in Urban Affairs*, Hearings before the Subcommittee on Executive Reorganization of the Committee on Government Operations, United States Senate, 89th Cong., 2nd Sess., Pt. 6, 1408, 1409, 1410, 1416, 1419, 1420, 1421 (1966). Typical is the following: ". . . when people talked about 'problems of Harlem' or even 'problems in my block,' the mention of integrated schools, bussing, police brutality or some other problems . . . just don't get much attention or mention." *Id.* at 1422. Instead "they chose to talk about inadequate housing, and the problems which are offspring of that major problem, such as crime, dope addiction, winos, and inadequate police protection." *Ibid.*

²² See generally, *Organized Crime Report* at pp. 56-69.

²³ *President's Report* at p. 218.

²⁴ *Ibid.*, p. 219.

²⁵ See generally, *President's Advisory Commission on Narcotics and Drug Abuse* (Washington, D.C.: Government Printing Office, 1963), pp. 31-53.

this and law enforcement as mutually exclusive alternatives. Addiction to narcotics may be a symptom, but their importation and distribution is the vilest sort of exploitative crime.

The opiate traffic on the East coast is run by organized crime and the product is European in origin. Grown in Turkey, diverted from legitimate markets, refined in the Near East and France, the heroin is finally smuggled into the United States.²² The importers, generally top men in organized crime, do not handle and seldom see a shipment of heroin; their role is strictly supervisory and financial. "Fear of retribution, which can be swift and final, and a code of silence protect them from exposure."²³ Through persons working under their direction, the heroin is distributed to high-level wholesalers; low-level wholesalers are at the next echelon; finally, pushers (often addicts) and the addicts themselves make up the last rung of the ladder.

Primarily because all of the transactions are consensual, law enforcement is at all levels difficult, most difficult at the highest level. Dangerous undercover operations and the use of insider informants are essential. The top men are hard to identify; they always have a shield of people in front of them; and by not handling the drugs, they incur no direct liability for possession, sale, or other prohibited acts. Generally, they are vulnerable only through the conspiracy laws, and this requires live testimony or a substitute. As in gambling operations, low-level personnel are expendable and are most often "stand up guys." Even under present limitations, however, enforcement has been successful in reducing "the incidence of addiction in the general population . . ."²⁴ Further reductions seem unlikely without a strengthening of the evidence-gathering process, including the authorization of electronic surveillance techniques.²⁵

LOAN SHARKING

Most law enforcement officials agree that, close to or on an equal level with narcotics, loan sharking is organized crime's next major

illegal activity.²⁶ Its estimated annual take is \$350 million. Like narcotics, loan shark-ing is organized in a hierarchical structure. At the top is the boss, who lends large sums of cash to trusted lieutenants, usually at the rate of one per cent per week. Under the lieutenants are street-level loan sharks who deal directly with the debtors. The rate varies, but is normally five per cent per week. Occasionally, the lieutenant will make large loans himself—in the neighborhood of \$1 million. The setup also involves "steerers," who will direct possible borrowers to the loan sharks. The steerer can be any individual who comes into contact with large numbers of people. Finally, there is the "en-forcer," who sees to it that the debts are paid.

The victims of loan sharks come from all segments of society: the professional man, the industrialist (particularly in areas like the garment industry), contractors, stock-brokers, bar and restaurant owners, dock workers, laborers, narcotic addicts, bettors and the bookmakers themselves. Only two prerequisites are required: a pressing need for ready cash and no access to regular channels of credit—again demonstrating the exploitative character of organized crime. Repayment is everywhere compelled by force.

²⁶ Unless otherwise noted this data on loan shark-ing is taken from the *President's Report* at p. 189 or *The Loan Shark Racket: A Report by the New York State Commission of Investigation* (1965).

²⁷ Unless otherwise noted the data on the infiltration of legitimate business is taken from *President's Report* at pp. 189–90 or from the summary of primary sources in Johnson, *op. cit.*, pp. 403–7.

²⁸ See generally *Kefauver Report*, pp. 151–64. The list of industries noted there include advertising, amusement, appliances, automobile, baking, ballrooms, bowling alleys, banking, basketball, boxing, cigarette distribution, coal, communications, construction, drug stores, electrical equipment, florists, food, football, garment, gas, hotels, import-export, insurance, juke box, laundry, liquor, loan, news services, newspapers, oil, paper products, radio, real estate, restaurants, scrap shipping, steel, surplus, television, theaters and transportation.

²⁹ Planned bankruptcy fraud is called "scam." More than 250 such scam operations are pulled off each year, netting around \$200,000 per job. See generally, *Criminal Law and Procedures*, Hearings before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, United States Senate, 89th Cong., 2nd Sess. 20406 (1966). Detailed is one classic scheme by Carmine Lombardozzi, one of the nation's top loan sharks and a *caporegime* in the Carlo Gambino family in New York City. *Organized Crime Report*, p. 26.

Often debtors in over their heads are pressed into criminal acts to payoff, including embezzlement, or acting as number writers or fingermen for burglary rings.

Law enforcement activity is even more difficult than in gambling and narcotics. Records need not be kept. Nothing is illegally possessed. The standard organized crime insulation shield is made doubly invulnerable when by definition the victims are already in bodily fear.

LEGITIMATE BUSINESS

Legitimate business is another area in which organized crime is extending its influence.²⁷ In many cities, it dominates the fields of juke-box and vending-machine distribution. Laundry services, liquor and beer distribution, night clubs, food wholesaling, record manufacturing, the garment industry and a host of other legitimate lines of endeavor have been invaded.²⁸ Control of business concerns has usually been acquired by the sub rosa investment of profits acquired from illegal ventures, accepting business interests in payment of gambling or loan shark debts, or using various forms of extortion. After takeover, the defaulted loan is sometimes liquidated by professional arsonists burning the business and then collecting the insurance or by various bankruptcy fraud techniques.²⁹ Often, however, the organization, using force and fear, will attempt to secure a monopoly in the service or product of the business. When the campaign is successful, the organization begins to extract a premium price from customers. Purchases by infiltrated businesses are always made from specified allied firms.

With its extensive infiltration of legitimate business, organized crime thus poses a new threat to the American economic system. The proper functioning of a free economy requires that economic decisions be made by persons free to exercise their own judgment. Force or fear limits choice, ultimately reduces quality, and increases prices. When organized crime moves into a business, it seems inevitably to bring to that venture all the techniques of violence and intimidation that

it used in its illegal businesses. Competitors are thus eliminated and customers are confined to sponsored suppliers. Its effect is even more unwholesome than that of other monopolies because its position does not rest on economic superiority.³⁰

UNIONS

Closely paralleling its takeover of business, organized crime has moved into legitimate unions.³¹ Control of labor supply through control of unions prevents the unionization of some industries and guarantees sweetheart contracts in others. It provides the opportunity for theft from union funds, extortion through the threat of economic pressure, and the profit to be gained from the manipulation of welfare and pension funds and insurance contracts. Trucking, construction and waterfront entrepreneurs have been persuaded for the sake of labor peace to countenance gambling, loan sharking and pilferage. All of this, of course, makes a mockery of much of the promise of the social legislation of the last half century.

Much of what has been outlined above could be tolerated within the community

³⁰ See generally, S. Rep. No. 1139, Select Committee on Improper Activities in the Labor or Management Field, United States Senate, 86th Cong., 2nd Sess. (1960), pp. 733-866, for a detailed account of the infiltration of the coin-operated machine industry.

³¹ Most of the data on the infiltration of unions is taken from the *President's Report* at pp. 190-91. See also S. Rep. No. 1417, Select Committee on Improper Activities in the Labor or Management Field, United States Senate, 85th Cong., 2nd Sess. (1958); S. Rep. No. 621, *Ibid.*, 86th Cong., 1st Sess. (1959); and S. Rep. No. 139, *Ibid.*, 86th Cong., 2nd Sess. (1960) (The McClellan Committee Reports). The McClellan Committee's work depended significantly on the use of state court order wiretaps; they were considered "vitally important." John M. Maguire, *Evidence of Guilt* (Boston: Little, Brown, 1959.)

³² Unless otherwise noted the data on the corruption of democratic processes is taken from the *President's Report* at p. 191 or the summary of primary sources in *Johnson* at 412-14, 419-22.

³³ "The largest single factor in the breakdown of law enforcement agencies in dealing with organized crime is the corruption and connivance of many public officials." American Bar Association, *Report on Organized Crime and Law Enforcement XVI* (1952-53).

³⁴ *President's Report* at p. 191.

³⁵ See Alexander Heard, *The Costs of Democracy* (Chapel Hill: University of North Carolina 1960), pp. 154-68.

within a certain minimum range. First in order to exist, then to increase its profits, however, organized crime has found it necessary to corrupt the institutions of American democratic processes.³² Today's corruption is less visible, more subtle and therefore more difficult to detect and assess than the corruption of the prohibition era. Yet everything indicates that organized crime flourishes only in a climate of corruption.³³ And as the scope of organized crime's activities has expanded, its need to corrupt public officials at every level of government has grown. With the expansion of governmental regulation of private and business activity, moreover, the power to corrupt has given organized crime greater control over matters affecting the everyday life of each citizen. "Contrast, for example, the way governmental action in contract procurement or zoning functions today with the way it functioned only a few years ago."³⁴ The potential for harm today is greater if only because the scope of governmental activity is greater.

CRIME AND POLITICS

Organized crime has money and money underwrites politics. The scope of the growing political influence of organized crime is well illustrated by the conservative estimate made by the most comprehensive examination of the relation between crime and politics yet undertaken, which put the level of all political contributions stemming from criminal sources at 15 per cent.³⁵ At various times, organized crime has thus been the dominant political force in such metropolitan centers as New York, Chicago, Miami and New

(Continued on page 364)

Prior to joining the faculty at the Notre Dame Law School, G. Robert Blakey was a special prosecutor in the Organized Crime and Racketeering Section of the United States Department of Justice. Mr. Blakey is also the author of several articles on crime in America and recently served as special consultant on organized crime to the President's Commission on Law Enforcement and Administration of Justice.

In exploring the various types and causes of offenses perpetrated by the individual offender, this sociologist notes: "A moment's reflection will lead one to realize the foolhardiness of attributing these widely differing criminal acts to a single 'cause,' such as poverty, discrimination, psychological disturbance, or greed."

The Independent Offender

By RALPH W. ENGLAND, JR.

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OUR LAWS DESIGNATE an enormous variety of actions as crimes. This variety is such that the ordinary citizen, while probably aware that burglary, robbery, larceny, murder, rape, kidnapping, blackmailing, and speeding are against the law, may be less likely to keep in mind that so is buying bootleg liquor, using dishonest weights and measures, deserting a spouse, soliciting an abortion, operating a brothel, fixing prices in restraint of trade, mailing obscene letters, concealing assets in a bankruptcy proceeding, urging someone to commit a felony, knowingly buying or selling stolen goods, concealing knowledge of a serious crime, breaking out of prison, lying under oath, giving liquor to minors, drugging a racehorse, violating the terms of an interstate treaty, refusing to obey a court order, committing incest, evading arrest, harboring a fugitive, selling liquor on an Indian reservation, altering a draft registration card, and bribing a juror. Dozens of additions could be made to this list.

A moment's reflection will lead one to realize the foolhardiness of attributing these widely differing criminal acts to a single "cause," such as poverty, discrimination, psychological disturbance, or greed. Neverthe-

less, all of the above (and many more) are crimes in most of our states and the people who commit them are technically criminals. It is the difficult task of the research criminologist to make some useful explanatory discoveries pertaining to this bewildering array; however, the scope of the present article is, fortunately, limited to the "independent" offender.

The way in which one classifies crimes will, of course, be determined by one's purposes. It is convenient for the ends of law enforcement to distinguish between *felonies* (punished by a customary minimum of one year in prison) and *misdemeanors* (crimes calling for lesser punishment); some psychologists have divided offenses into *violent* and *non-violent* in studying offenders' personalities; legal philosophers have distinguished among crimes against *persons*, against *property*, against *morals* and the like in order to consider the proper role of government in suppressing crime. Classifications useful for sociological analysis will usually reflect the sociologists' interest in groups, social institutions and communities, and in the cultural elements (attitudes, values, norms) holding them together. Table 1 classifies crimes in a manner useful for the purposes of this article. The table is sociological insofar as it recognizes differences (a) in the extent to which crimes are carried out by the joint action of principals,¹ (b) in the type of rela-

¹ A *principal*, in criminal law, is a person who directly participates in a criminal act. Two men burglarizing a home are principals to the act; a third man with whom they stash their loot would be an *accessory*.

TABLE 1. REPRESENTATIVE INDIVIDUAL OFFENSES
(by degree of organization and motivation)

Extent of Organization	Motivation		
	Gain		"Expressive"
	Service Offenses	Predatory Offenses	
<i>Independent</i>	receiving stolen goods street walking	petty theft, burglary and robbery forgery income tax evasion embezzlement white collar crimes by independent business and professional men	assault and battery disorderly conduct possessing drugs drunkenness vagrancy incest; rape; molestation of children; self- exposure; peeping manslaughter compulsive theft, arson offenses against family and children
<i>Group</i>	arson rings pornography traffic lewd entertainments abortion rings brothels; call girls loan sharking roving crap games professional ruffianism political favoritism commercial bribe-taking	professional theft, burglary and robbery protection rackets kidnapping blackmail counterfeiting white collar crimes by union leaders, cor- poration officials, politicians, partnerships	vandalism gang rape disorderly demonstrations fornication; adultery sodomy; homosexuality certain orgiastic behavior: drug, liquor parties
<i>Syndicate</i>	bootlegging gambling narcotics some prostitution and loan sharking	intercorporation crimes: restraining trade, etc. treasonous political activity	

tionship they bear to ostensibly law-abiding segments of the community; and (c) the ends involved in their performance.

Subsumed in the table under "extent of organization" are three categories indicating the degree to which certain crimes are today being most typically carried out independently, in groups, or in syndicates. The first of these includes crimes by lawbreakers who can, and usually do, operate alone, although they may have cooperative ties with accessories. The second term denotes principals cooperating in pairs, cliques, or gangs; this category contains crimes which cannot be successfully committed with fewer than two people as principals, but which do not require large-scale organization, although some of

them can be so organized. Arson rings, bank robbery and adultery are examples. Syndicated crimes require extensive capital, complex divisions of labor, and large "markets" of either customers or victims in order to be profitable. Such crimes are seldom organized on a smaller geographic basis than a city; some may cross national boundaries.

As for the horizontal captions in Table 1: It is sociologically useful to recognize that some crimes are executed for reasons consistent with the basic American desires to "get ahead;" to "succeed;" to "make a buck;" to "show a profit;" to "keep one's head above water;" the achievement of these ends we may designate as "gainful" (of power, money, or prestige). Gainful crimes can be

subdivided into *service*, in which there is sold to a consuming "public" certain illicit goods and services (abortions, untaxed liquor, lewd entertainment), and *predatory*, from which no one benefits except the offender and his confederates (robbery, confidence games, extortion). The distinction between these two kinds of gainful crime is extremely important in understanding certain problems in the enforcement of laws pertaining to them. First, we Americans are by no means agreed about the moral wrongfulness of many service crimes, such as bet-taking, pornography-peddling and prostitution. Second, service crimes are completely dependent upon the existence of clienteles, substantial portions of which are ordinarily law-abiding citizens, but which by their participation in transactions with service criminals, technically become accessories to crimes. A woman who buys an illegal abortion; a saloon-keeper who refills his bottles with liquor purchased from a boot-legger; a businessman who hires arsonists to burn down his debt-ridden restaurant; a landlord who bribes a building inspector; all are themselves guilty of criminal acts, however much they may protest that they are not "real" criminals. Third, because of a degree of public tolerance of service crimes, law enforcement with respect to them is weak, uncertain and sporadic. In fact, as other articles in this *Current History* series on crime will show, many of them are so intimately interwoven with political machines as to clearly belie the notion that a boundary exists between the service-rendering elements of the underworld and legitimate society.

Predatory crimes present a different picture. With few exceptions society is opposed to such traditional predators as thieves, robbers, burglars, forgers and counterfeiters, and there exists relatively little cooperative interpenetration between such offenders and legitimate society. But beyond these, Americans waver in their condemnation of the taxpayer who swindles the government by understating his income; the lawyer who en-

courages a witness to commit polite perjury in a divorce proceeding; an employer who violates the minimum wage law; the tourist who "forgets" to declare his new Swiss watch at customs; the corporation president who connives with his opposite numbers to fix bids for dynamos; the union official who converts monies from his members' welfare fund.

Having provided classification for crimes of gain, there remains a substantial category of unlawful behavior the immediate motivation for which cannot reasonably be related to a wish for gain in the conventional sense. Because these crimes seem to bespeak more of man's emotional than his cerebral functions, of his reprobacy more than his sanctity, the term "expressive" seems apt. The category is one of crimes associated with lust, indulgence, passion, negligence and neurotic disturbance.

Combining the three vertical and three horizontal categories in Table 1 yields nine cells among which we can distribute the crimes which our society, or substantial portions of it, regards as problems. By suggesting the degrees of organization which typify these crimes, by showing the relationship of gainful crimes to the larger society, and by indicating something of the "motives"² involved in their perpetration, such tabular presentation provides a resumé of possible use for sociological analysis. It should also make clear the focus of this article on offenders whose crimes—service, predatory, or expressive—are committed without the presence of other principals. Despite our categorizations, however, independent offending includes such diverse activities that generalizing even individually about the cells in the top row must be done cautiously. For each cell, one might hazard the following observations.

INDEPENDENT SERVICE OFFENDERS

There exist relatively few kinds of independently operated service crimes in this country. The common streetwalker, once the plague of cities, appears to be a disappearing species in our increasingly affluent and liberalized society—the streetwalker's function being performed by group-organized or syndi-

² It is inappropriate here to get into sociological motivation theory; the quotes around "motives" are bristles in the author's hedge.

cated call-girls and brothel inmates.³ Activities involving the purchase of stolen merchandise, however, constitute a most important adjunctive service to professional thieves, particularly those specializing in the hijacking of goods in shipment, but also to the more familiar purloiner of furs, clothing, jewelry, appliances, cameras, and the like from dwellings and stores. Every city has its quota of otherwise legitimate merchants, wholesalers, jobbers, truckers and other middlemen who are willing to buy and sell anything, no questions asked. It is a truism in law enforcement circles that large-scale professional thievery could not flourish without the receiver, however seldom his operations may come to light, or however dimly aware the public is of his existence.

The safe disposal of such stolen items as a flatbed trailer of steel castings; a truckload of cigarettes, liquor, or fabrics; a station wagon full of fur coats or men's new suits; or a pocketful of uncut diamonds requires marketing techniques and facilities to which thieves are usually stranger. For a fraction of what the goods will eventually fetch, the receiver will take them off the thieves' hands and send them on their way back into the legitimate market. As accessory to professional thievery, therefore, the receiver clearly deserves more attention than he usually gets when society seeks effective ways of dealing with professional theft.

INDEPENDENT PREDATORY OFFENDERS

The independent predatory offenders range from the fumbling shoplifting wino to the professional man who returns a falsified tax form; from the jeweler who sells a quartz ring as smokey topaz to the embezzling bank teller; from the writer of bad checks to the professor who misuses grant monies. Over and above the general wish to realize some

³ A recent government report states that both prostitution and bootlegging are playing a "small and declining role" in syndicated crime activities. See President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington: U. S. Government Printing Office, 1967), p. 189. This report is to be followed by seven volumes of supporting data.

financial advantage, a variety of circumstances operate to produce crimes in this category. Some of the offenders (e.g., the wino) commit their crimes to underwrite a personal vice; others (the jeweler) may be following accepted sharp retailing practices; one whose income is in the form of fees (the professional man) is sorely tempted to fudge in paying his income taxes; the littleshot acting the bigshot grandly pays a restaurant tab with a bad check; the contractor bribes a building inspector to overlook his use of improper materials.

If a single relatively homogeneous type of offender can be identified within the category of independent predators, it is probably the otherwise noncriminal citizen of independent professional or business status who breaks the law in the pursuit of his legitimate and often highly respected occupation. The term "white collar criminals" has been used by sociologists and others to designate such offenders since about 1941, when the late Professor E. H. Sutherland began presenting evidence of the significance of such crime. White collar crime of this second category includes, by way of example, such acts as illegally exploiting employees; using fraudulent weights and measures; knowingly approving false loss claims (done by insurance adjusters for their clients); selling misrepresented goods; suborning justice (by lawyers); failing to report suspicious wounds (physicians); and other forms of knavery for which temptations and opportunities exist, depending upon the particular business or profession.

Of particular interest to the sociologist is the fact that the usual emphasis on deprivation, lack of proper upbringing, psychological inadequacies, and other factors popularly thought of as being closely associated with criminal behavior, seems misplaced in considering white collar crime, whose perpetrators are well above the poverty line, and whose backgrounds, personalities and community adjustments seem entirely adequate.

Attempts to develop satisfactory theoretical explanations of white collar crime have met with little success to date, but in thinking about its causes, it should be noted that

Americans are by no means uniformly opposed to such offenses and that the laws pertaining to them are often ambiguous and weakly enforced. Further, such enforcement as occurs is usually carried out by administrative agencies, licensing boards and regulatory commissions, so that prosecution for white collar crimes is a considerably gentler and less stigmatizing process than that accorded the traditional offender. It may be, as Donald R. Taft has suggested, that the white collar criminal finds motivation, aid, and comfort from the very society he exploits:

Even more logically than other types of crime, we hold, may white collar crime be seen to reflect the general culture. The *form* of crime or of exploitation results from membership in subgroups with varying subvalues. The businessman would not be a burglar, but he would violate the Labor Relations Act, because his own group tolerates or even approves such violation, and the larger society expects and does not vigorously condemn it.⁴

INDEPENDENT EXPRESSIVE OFFENDERS

It is to the murky corner of independent expressive offenders that psychiatrists and psychologists have turned much of their attention when they have studied criminals, and it is here in the more sensational aspects of crime that the layman's interest tends to center. In this category are the rapists, exhibitionists, homosexuals who victimize minors, peepers, senders of vile letters and makers of indecent telephone calls, incestuous fathers, molesters of children, and compulsively promiscuous men and women. But here also must be included addicts, vagrants, drunks, wife- and child-beaters, homicides-by-passion, and "compulsive" thieves and arsonists. What can we make of this motley collection?

To begin with, we must avoid succumbing to the assumption that crimes abhorrent, or shocking, or incomprehensible, to us must be caused by some individual peculiarity in the

character of the offender—by some weakness or defect rendering him incapable of conforming to social norms. With the possible exception of those whose minds are seriously clouded by disease, not even the most bizarre and heinous offenders engage in an endless rampage of crime. However convenient it may be to stereotype them as being "anti-social" or "amoral," an examination of their life histories reveals much that is conventional and law-abiding. Most of the time they conform sufficiently to the customs appropriate to the social class, age group, race, religion and nationality in which they have membership, so that their behavior may be characterized as predominately "social" and "moral." It is the tendency to seize upon some outlandishly illegal action, label it, and then to attribute to the perpetrator a corresponding personality trait, which has given rise to the popular notion that "criminal" and "anti-social" types truly exist. Such labels serve little purpose except to provide us with fictive explanations of crime.

In the second place, many crimes in this category, particularly those involving drunkenness, violence and drug use, show signs of being by-products of the subcultural system. There is increasing evidence that slum life—whose occupants possess severely limited opportunities for upward mobility (in our time Negroes and Puerto Ricans)—generates a body of norms, attitudes and values peculiarly suited to a degraded and impoverished social status, but which, by serving to motivate and direct the actions of those individuals exposed to it, produces behavior readily defined by outsiders as criminal but seen by insiders as a perhaps lamentable but perennial "fact of life."⁵ Such slum dwellers are not only kept from participating in the American *dream* of moving from low beginnings to middle class respectability and affluence, but find meaningless important normative elements of that dream: the necessity for denying immediate pleasures in the interest of greater future returns; for being prudent in expending time, money and energy; for preparing carefully for one's calling; for learning manipulative social skills useful in the marketplace. With rela-

⁴ Donald R. Taft and Ralph W. England, Jr., *Criminology* (4th ed.; New York: The Macmillan Company, 1964), p. 205. Emphasis is Taft's.

⁵ For a graphic account of Puerto Rican slum life in New York City, see Oscar Lewis, *La Vida* (New York: Random House, 1966).

tively few instances among these impoverished groups of the achievement of middle class status in legitimate occupations, and with no real expectation of such achievement for the many, slum culture may have institutionalized an apathetic, nonachievement ideology in which immediate sensual gratification of kinds within economic reach—sex, cheap liquor, gambling, music and dancing, spontaneous (if coarse) expressions of self—constitute the chief rewards of existence.

One possible attribute of slum life which is especially pertinent to our analysis is the existence of what Professor Marvin Wolfgang has called a "subculture of violence." In studying the circumstances surrounding 588 criminal homicides in Philadelphia, Wolfgang discovered that the killings (most of which were hot-blood manslaughters) were disproportionately distributed among people with semiskilled and unskilled economic backgrounds, and that the deaths typically resulted from altercations between people who were acquainted with one another. Wolfgang concludes:

Our analysis implies that there may be a subculture of violence which does not define personal assaults as wrong or antisocial; in which quick resort to physical aggression is a socially approved and expected concomitant of certain stimuli; and in which violence has become a familiar but often deadly partner in life's struggles. Attacks against the person are made without compunction, despite the middle-class value-system which views such acts as the most heinous of crimes.⁶

Very similar findings have recently been reported in a study of 646 forcible rapes in Philadelphia.⁷

Direct, nonverbal forms of interaction are functional in social strata where the diplomaticies of courteous verbal exchange are in short supply. A child brought up on blows and crude language, as a slum child is very likely to be, continues this mode of interaction into his adult life where it may surface to official attention in the form of simple and aggra-

vated assaults, disorderly conduct, rape or manslaughter.

"SEXUAL PSYCHOPATHS"

Anglo-American cultures have been unique in attempting to prevent by legislation virtually every direct and indirect form of sexual expression save marital sex relations. This vestige of our Puritan ancestry has collided repeatedly with the ubiquitous and versatile sexuality of *homo sapiens*, to the wry amusement of our Continental critics and the despair of our law enforcement officials. Some behaviors which we define as unlawful, citizens of other countries treat as mere private matters of taste and preference, such as homosexuality between consenting adults, traffic in pornographic material, and "perverse" heterosexual behavior; other actions—peeping, lewd language and gestures, nudity in nightclub shows or on public beaches, and "indecent" advances to women—which we are apt to regard as offensive, the European or Latin American may shrug off as being of little consequence.

The term "sex criminal" is popularly reserved for males who commit sex offenses not involving agreement between competent consenting parties (as might be true for extra-marital sex relations, homosexuality, prostitution), but which do include unwilling or unknowing victims who do not give competent consent: indecent assault, incest (with minor children), child molestation, forcible rape, and "indecent" public exposure. These crimes violate general cultural proscriptions against victimization of females and children, assaults on personal integrity and safety, and public expression of physiological needs. Decency and order tend to be seen as clearly and immediately threatened by these crimes to a degree calling for firm rejoinder.

Such crimes are both repugnant and morally shocking to most of us, however much our opinions may diverge regarding other sex offenses. The aforementioned tendency to attribute such behavior to physical or psychological abnormalities spurred the development among psychiatrists of the *sexual psychopath* concept. By their definition a psychopath,

⁶ Marvin E. Wolfgang, *Patterns in Criminal Homicide* (Philadelphia: University of Pennsylvania, 1958), p. 329.

⁷ See Menachem Amir, "Forcible Rape," *Federal Probation*, Vol. 31 (March, 1967), pp. 51-58.

although medically and legally "sane," is a chronically unsocialized, egocentric individual incapable of acquiring a conscience and hence of experiencing feelings of guilt; a *sexual psychopath*, besides having these traits, presumably is also disturbed in his psychosexual sphere. Publicity, much of it alarmist and sensational, given to a spate of sex crimes just after World War II produced what one sociologist has called a "sex fiend mythology:" the belief that thousands of sex offenders, of a peculiarly morbid type driven by uncontrollable urges to commit repeated and increasingly dangerous sex crimes, are prowling our city streets.⁸ The resulting public concern eventuated in the passage by about half our states of so-called sexual psychopath legislation. On the premise that such offenders are disturbed in ways not usually found among persons committing other kinds of crimes, these laws variously provide for the special handling of persons suspected or convicted of certain sex offenses.

Considerable skepticism about the adequacy and justification of these laws has appeared in recent years as both experience with them and additional research on sex offenders have accumulated. Among the objections to them are:

1. Enforcement of the sexual psychopath statutes has been sporadic since confidence in them among law enforcement officials has by no means been consistently strong; their constitutionality has been repeatedly questioned; and the effectiveness of the therapeutic treatment accorded offenders handled under them is an open question.⁹

⁸ Walter C. Reckless, *The Crime Problem* (4th ed.; New York: Appleton-Century-Crofts, 1967), pp. 232-242.

⁹ For a good review of these laws and their problems, see Alan H. Swanson, "Sexual Psychopath Statutes: Summary and Analysis," in *Journal of Criminal Law, Criminology and Police Science*, Vol. 51: (July-August, 1960), pp. 215-235. For the difficulties encountered in diagnosing sexual psychopathy see Thomas J. Meyers, "Psychiatric Examination of the Sexual Psychopath," same journal, Vol. 56 (March, 1965), pp. 27-31.

¹⁰ Reckless, *op.cit.*

¹¹ Michael Hakeem, "A Critique of the Psychiatric Approach to Delinquency and Crime," *Law and Contemporary Problems* (Autumn, 1958), pp. 650-82.

2. Studies in four states and in England suggest that a) sex offenders tend not to repeat their crimes to the extent found among other offenders; b) sex criminals are, if anything, undersexed rather than oversexed; c) they do not progress from less to more serious crimes; d) they tend to be timid rather than aggressive; e) their offenses seldom involve violence.¹⁰
3. The very concept of "psychopath" as a diagnostic category for law enforcement purposes has been criticized on the grounds that psychiatrists themselves show little agreement on the meaning and usefulness of it.¹¹

There is considerable evidence, nevertheless, that some sex offenders—at least those who get caught and examined—are probably suffering from at least mild forms of personality disturbance, but there is also good reason to believe that the role of such disturbance in producing motivation to offend sexually is dependent upon particular social forces to which these offenders are also exposed. Only recently have sociologically-trained investigators begun to throw some light on just what these forces might be, although some of this light has come from broader inquiries of such matters as the value systems of different social classes.

A subculture pattern that contains aggressive, predatory attitudes toward females; subcultural traditions of violent personal interaction, alluded to above; and the possibility that males in the subculture may misun-

(Continued on page 366)

Ralph W. England has been on the faculty of the University of Rhode Island since 1960. He was a United Nations consultant on prison labor (1954-1955), instructed in police training while with the University of Illinois (1955-1960), and is presently active in delinquency prevention and correctional training programs in Rhode Island. The author of numerous articles, Dr. England also has written *Prison Labor* (New York: United Nations, 1955) and, with D. R. Taft, *Criminology* (4th ed.; New York: The Macmillan Company, 1964).

Is it possible to measure delinquency in terms of current statistical data? Raising this question, this specialist believes that "The answer . . . unfortunately still is 'no' because there is no agreement on what is meant by delinquency." Citing a recent exploratory study, she notes that "The findings suggest, in addition to more dynamic programs of family-life education, more emphasis on teacher-training focused on encouragement for reluctant scholars and reconsideration of the methods of selection and training of the police—the gatekeepers of society."

Juvenile Delinquency

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IN TODAY'S HIGHLY VOLATILE climate intensified by radio, television and press accounts of increasing crime and delinquency, it is doubly important to be sure of the facts and figures. Although the hysteria of those who say, "For God's sake, let's do something," has resulted in expenditures of millions of dollars, there is little evidence of real accomplishment.

Within the limitations of space, this article proposes to delineate the contradictions and doubts revealed by a serious review of the voluminous literature on delinquency. Beginning with a critique of the official statistics to which the general public is exposed and which are quoted in the President's Crime Commission Report of 1967, the special characteristics of American society that affect the community's reaction will be considered. Ambiguities in the definitions of delinquency and the shortcomings of the studies of the causes of delinquency will be documented. The article concludes with a suggestion for community self-study.

The two major official sources for statistics on delinquency and crime in the United States are the Children's Bureau and the

Federal Bureau of Investigation. Beginning in 1927, the Children's Bureau intermittently collected annual data from an increasing number of courts. (Tabulations by age, sex, nationality, color, place of abode and source of referral were discontinued after 1936.) Subsequent changes in the role of the juvenile court in large cities, in administrative procedures, and in age jurisdiction, however, made it increasingly difficult to achieve the main objectives of the Children's Bureau Series, i.e., to establish an index of the nature and extent of delinquency, trends in volume, and some clues as to cause. In 1957, in response to the demand for better statistics, the bureau initiated a plan for collecting juvenile court statistics from a scientifically chosen national sample of courts.¹

Since 1930, the FBI has served as the channel for reports from police departments which agree to forward some statistics to the Washington headquarters. Despite its acknowledgement that it cannot vouch either for the quantity or the quality of the data and its caution against making comparisons from one year to another or from one city to another, the FBI press releases and initial summaries continue to proclaim that serious crime is increasing at a greater rate than either the

¹ Sophia M. Robison, *Juvenile Delinquency, Its Nature and Control* (New York: Henry Holt, 1960), p. 17.

adult or juvenile population of the United States.²

In 1957, recognizing the chaotic consequence of voluntary reporting based on the doctrine of states' rights—which impedes most United States attempts to secure nationwide, let alone state-wide or interstate cooperation—Dr. Thorsten Sellin proclaimed that United States statistics on crime and delinquency were the worst in the world.³ As a result, the director of the FBI employed Professor Lejins to review the FBI's statistical procedures and suggest revisions. Lejins' recommendations for the use of standard geographical areas and more accurate population bases have been followed in subsequent FBI reports. Their tenor, however, has not changed, nor has the implication that punitive action is always the answer to crime control. Lejins' recommendation to separate car thefts by juveniles from car thefts by adults was not adopted by the FBI. Lejins' contention was that though the action was a theft, the juvenile's theft was usually considered by the youth as "borrowing" (since in most cases juveniles took the cars for purposes of joyriding and then returned them), whereas the adults took the cars to strip and resell them or to use them for getaways from the scene of a crime.⁴

In the face of inadequate official statistics, we cannot say whether the *reported* numerical increases in delinquency or crime reflect a real increase or differences in the apprehending and reporting processes which reflect

² The scare techniques illustrated by the use of crime clocks which suggest that murderers are rampant in the streets are a statistically indefensible device and are not in accord with the actual decrease in the number and per cent of homicides in the last 30 years as documented by James V. Bennett, former director of the U. S. Bureau of Prisons. See also "A Cool Look at 'The Crime Crisis'" in a special supplement of *Harper's* on crime and punishment, *Harper's*, April, 1964, pp. 123-24.

³ As quoted in Robert F. Wallace, "Crime in the United States," *Life*, September 9, 1957, p. 49.

⁴ For this writer's appraisal of the FBI statistical reports and a defense by Peter Lejins, see *The Michigan Law Review*, April, 1966.

⁵ Oscar Handlin, *Race and Nationality in American Life* (Boston: Atlantic Monthly Press, 1957).

⁶ Gunnar Myrdal, *An American Dilemma* (New York: Harper & Bros., 1944).

the attitudes of different sectors of the population to "antisocial" behavior.

CULTURAL PATTERNS

Three factors seem to bear on the definition and the method of dealing with deviant behavior: 1) the multiethnic composition of our population; 2) the challenge of reconciling philosophy with practice; and 3) the unplanned exclusion of an estimated one-quarter of our population from minimum standards of health and decency.

With two exceptions—the Indians, who are the only true natives, and the Negroes, who were imported as slave labor—America has been built by immigrants and their descendants. In the three and one-half centuries since the founding of Jamestown, responding to the expanding frontiers and the demand for labor in opening up new territory, the United States has been settled by succeeding waves of immigrants seeking to escape from religious and/or economic-social disabilities. Each succeeding wave of immigrants, fighting for a toehold in the economy, usually resented the newcomer unless he could be exploited.⁵

The official statistics over the 60-odd years of the juvenile court's existence have largely reflected the waves of immigration from Ireland, Italy, Poland and, more recently, the migration from Mexico, Puerto Rico and that of nonwhites from the South. In striking contrast, for a variety of reasons—possibly a special sense of identity and unusual concern of the family for education and employment—the Chinese, Japanese and Jews have never appeared in the *official* statistics in proportion to their incidence in the population.

What Gunnar Myrdal has described as the American dilemma,⁶ i.e., reconciling our proclaimed philosophical principles with our actual practice, is set in a wider perspective when we consider how the folkways of the frontier provide the matrix for current crime problems in the United States. Criminals have not only been tacitly tolerated, but they have also been accepted and approved as a device for social control by some groups in American society. Many of our current Wild West television programs glorify lynch law.

Contrasting the United States with Europe, Mabel Elliot writes:

Unlike our European cousins, we have had our most serious frontier problems *within our own borders*. In Europe there has been much respect for law within national boundaries and cultural conflicts have led to war perhaps instead of crime.⁷

The activities of the Ku Klux Klan and the Mafia can be classified as lynch law.

The advantages of the American way of life are not equally accessible to all sectors of the population, the current estimate of deprived varying from one-fourth to one-fifth of the population, in comparison with the one-third of the population which in the depression years was described as living below the poverty line. The nonwhites, who percentage-wise account for only one-tenth of our population, are markedly over-represented in the deprived group.⁸

Added to their economic deprivations, segregated housing has meant inferior housing and substandard schools. In consequence, the high road to economically rewarding work and corresponding social status has not been and still is not available to Negroes.⁹

HOW "DELINQUENCY" IS DEFINED

Thirty years have elapsed since this writer demonstrated, using New York City official and unofficial data, that a redefinition of delinquency was necessary before it could be adequately measured, really understood, or appropriately treated.¹⁰ The answer to the question posed by the study, *Can Delinquency Be Measured?*, was then and unfor-

⁷ Mabel A. Elliot, "Crime and The Frontier Mores," *American Sociological Review*, April, 1944, pp. 185-92.

⁸ Mollie Orshansky, "Counting the Poor, Another Look at The Poverty Profile," *Social Security Bulletin* (January, 1965), and "Recounting the Poor—A Five Year Review," *Social Security Bulletin* (April, 1966), pp. 20-57.

⁹ Dorothy K. Newman, "The Negroes in The United States, Their Economic and Social Situation," U. S. Department of Labor, Bureau of Labor Statistics, Bulletin No. 1511 (June, 1966), p. 47, and "The Negro's Journey to the City," *Monthly Labor Review*, May and June, 1965, Reprint No. 2466.

¹⁰ Sophia M. Robison, *Can Delinquency Be Measured?* (New York: Columbia University Press, 1936).

tunately still is "no" because there is no agreement on what is meant by delinquency.

Thus, in redirecting our thinking about the delinquent, the first step is to look freshly at the data for definitive answers to two questions: What does the label mean? Who assigns it?

In eight states there is no legal definition of delinquency; there the judge determines whether or not the defendant is a juvenile delinquent. In contrast, some juvenile court codes include such specific proscriptions as hitching rides on the back of streetcars or buses, failure to pay fares, selling without a license, or turning on a water hydrant.

The terms, "desertion of home" or "ungovernable behavior," which account for a fairly large proportion of cases, are not applied uniformly either to types of behavior or to boys and girls. In the totals, boys [(who appear four or five times more frequently than girls) are rarely accused of sexual misconduct which, under various captions, is the main complaint against girls. It is important to ask who attaches the label "ungovernable." Like stubbornness, it implies a two-way street. No one can be stubborn or ungovernable except in reference to the demands of another person. In the case of girls, this person is apt to be the mother, whereas in the case of boys, it is most often the police. In essence, then, there are many times when the official label, "delinquent," is a value judgment which reflects not only the roles of the male and the female in different cultures but also different standards of adulthood.

CRITICS OF THE LABELING PROCESS

Three acknowledged scholars—Sellin, Leslie Wilkins and Barbara Wooton—draw attention to serious defects in the usual labeling process.

Sellin underscores the shortcomings of both the Children's Bureau and the FBI labels, "felonies," "offences" and "misdemeanors." Such captions, he points out, shed no real light on the relative seriousness of the offense. The Children's Bureau reports do not differentiate, for instance, between offenses such as truancy, running away from home and dis-

obedience, which should be labeled "juvenile-status" offenses, and such offenses as attacks on individuals (aggressive behavior), vandalism and theft, which are serious offenses regardless of age.¹¹

Wilkins reminds us that delinquent or criminal behavior describes only a very small portion of the behavior of the delinquent or criminal. If he spent all his time in violating the demands of society, he would be treated as mentally ill.¹²

Wooton, referring to Robison's demonstrations of the unrepresentative character of official delinquency statistics, deplores the fact that money and brains are *still misdirected* in the search for distinguishing peculiarities of miscellaneous offenders. She notes:

The one distinguishing factor in the offender's experience is the way he has been treated by an outraged community. This experience may well account for any peculiarities that he does manifest.¹³

If, as often occurs, the offender is studied in a reception center to which he goes against his will, he may be reacting to his surroundings; studying him as a specimen in confinement is like describing the characteristics of a butterfly whose wings have been pinned.

As she sees it, the "outraged community," which determines standards of behavior which it rarely applies to itself, is the Establishment.

To the Establishment-minded the mere fact of conviction for law-breaking (always with a tacit exception of the laws which they themselves are

most disposed to break) is of such magnitude as to dwarf into insignificance any consideration of what is broken or when or how—the common factor of "delinquency" or "criminality" being supposed to swamp all individual differences.¹⁴

HOW THE LABEL IS ACQUIRED

A fact too frequently overlooked is that the police play a major role in determining who will be labeled delinquent and what will happen in consequence. As the petitioners in more than 75 per cent of the cases, the police decide *what* and *whose* conduct will be labeled "delinquent" and, to a considerable extent, what will be done about it. The way the police deal with the estimated one million children a year with whom they have some contact depends not only on the organization of the police department but also upon the individual officer's attitudes and interpretation of his role and the varying pressures which the community puts on the police, especially when there has been newspaper publicity.

Several studies have demonstrated that the police acknowledge biases against certain ethnic groups, make choices which reflect differing community attitudes, and respond differentially to the attitudes, the dress, and the manner of the defendant.¹⁵ For example, in Garden City, an upper-class white Long Island community, from 1940 to 1960 no one was labeled a juvenile delinquent, because the community controls the police. In a neighboring city, Freeport, all the *reported* delinquents were Negroes.¹⁶

Once the police officer decides to take the case to court, what happens depends on (a) the variations in age jurisdictions, (b) the qualifications of the judge who usually represents the Establishment and its point of view, (c) the expertness of the probation staff which makes the investigations, (d) the availability of diagnostic aids (psychiatric and otherwise), and (e) alternate services provided by the community.

The judge's decision to remove a youth from the community is based on a "symptom." As in illness, a "rash" may characterize many different types of behavior. Unfortunately, children whose behavior "rash" has

¹¹ Thorsten Sellin and Marvin E. Wolfgang, *The Measurement of Delinquency* (New York: John Wiley & Sons, 1964).

¹² Leslie T. Wilkins, *Social Deviance* (Englewood Cliffs, N.J.: Prentice Hall, 1964), p. 221.

¹³ Barbara Wooton, *Social Science and Social Pathology* (New York: Macmillan, 1959), p. 306.

¹⁴ *Ibid* (italics added).

¹⁵ William M. Kephart, "The Negro Offender: An Urban Research Project," *American Journal of Sociology*, July, 1954; Nathan Goldman, speech given at the 1962 Annual Meeting of the American Sociological Society, August, 1962; Scott Briar and Irving Pilivan, "Police Application of the Law: The Situation of Arrest," a paper presented at the 58th Annual Meeting of the American Sociological Association, August, 1963.

¹⁶ Sophia M. Robison, "Juvenile Delinquency," *Encyclopedia of Social Work* (New York: National Association of Social Workers, 1955), p. 431.

chicken-pox implications may be locked up, while those whose "rash" has small-pox implications may go free, a danger to themselves and to the community, especially if their parents represent the Establishment.

REVIEW OF CAUSAL THEORIES

The explanations for crime and delinquency, which were considered as one until the advent of the juvenile court, mirror the scientific and philosophical beliefs of each age. Broadly speaking, beginning with the Classical School, biological, psychological and sociocultural theories have successively claimed the center of the stage and attracted many disciples.

Cesare Beccaria, the founder of the Classical School at the end of the eighteenth century, sought an antidote to the arbitrary imposition of penalties at the whim of a judge. Espousing the doctrine of free will and the consequent responsibility of the individual for his behavior, Beccaria proclaimed that the punishment should fit the crime whether the criminal was rich or poor.

Approximately half a century later, Cesare Lombroso (1836-1909) shifted the focus from the criminal *act* to the criminal *himself*. Lombroso's identification of the physical stigmata of a criminal type was shortly challenged by Charles Goring's (1870-1919) comparisons of the physical measurements of 3,000-odd English prisoners with measurements of Cambridge and Oxford graduates. These studies paved the way for physiological investigations which postulate a relation of body type to behavior.

In the early decades of the twentieth century, the development of intelligence tests spurred investigations of the relationship between intelligence, alone or in combination with other factors, as an explanation for delinquent behavior.

A major example of the multifactor ap-

proach is Cyril Burt's comparison of 200 children referred to the London juvenile court with 400 pupils in London schools who had no juvenile court record.¹⁷ Burt identified defective discipline—indifference or vacillation and disagreements between parents about the control of their children, as well as over-severity—as occurring seven times more frequently in the delinquent than in the non-delinquent group.

PSYCHOLOGICAL APPROACHES

After Sigmund Freud, whose early studies demonstrated the role of the unconscious vis-a-vis logic as determining behavior, good or bad, August Aichorn, David Levy, John Gardner, William Healy and Augusta Bronner, and Erik Erikson have each significantly elaborated the Freudian premise.

Aichorn, studying boys who were unable to accept either restraint or authority, concluded that they needed to be shown that there are adults who really care for children and want to help them grow into useful and happy adults.¹⁸

Dr. David M. Levy in 1932 differentiated the social-pathological delinquent resulting from environment from the youth whose aggressive behavior reflects a disturbance in the parent-child relationship and from a third group whose delinquency is mainly due to an inner psychological disturbance. Obviously each of these types calls for a different treatment approach.¹⁹

Like Dr. Levy, Dr. John Gardner, director of the Judge Baker Clinic in Boston, deplores the wastefulness of many current, inappropriate referrals to child guidance facilities. He suggests reconsideration of the constitutional factors (perhaps exemplified by different physical types such as ectomorph, mesomorph and endomorph) which has been sidetracked in the last 40 years by an almost exclusive concern with intra-psychic factors. No doubt new lines of inquiry will be suggested in the development of psychopharmacology, whose chief exponent today is Dr. Nathan Kline whose fertile imagination is currently exploring other types of influence on human behavior.

¹⁷ Cyril Burt, *The Young Delinquent* (4th ed. rev.; London: University of London Press, 1945).

¹⁸ August Aichorn, *Wayward Youth* (New York: Viking Press, 1935).

¹⁹ David M. Levy, "On The Problem of Delinquency," *Yearbook*, National Probation Association, 1932-33, pp. 95-110.

Healy and Bronner, puzzled because there was usually only one delinquent in the families known to their child guidance clinics in Boston, New Haven and Detroit, sought the answer to delinquency in the nature and quality of the parent-child relationship.²⁰ Although the term had not yet been coined, theirs was "action research," in the sense that they did not believe that one could really know, much less understand, the dynamics of family interrelationships in a single interview. The subsequent study offered counseling services to families in which there was a delinquent as well as a nondelinquent sibling not more than two years apart. Despite differences in socioeconomic and other cultural factors, the delinquent sibling described as having engaged in repeated delinquent behavior felt thwarted and rejected in 90 per cent of the families studied. In many instances the parent or parents were unaware either of their own role in the delinquent's concept of himself or in his feeling toward his family. As the authors themselves acknowledge, however, the unanswered question is why the delinquent sibling chose to express his feeling of deprivation in disapproved behavior.

The well-known research team of Eleanor and Sheldon Glueck (a social worker and a lawyer), under the auspices of the Harvard Law School, initiated a different attack on the problem of causation.²¹ The design of the study, begun in 1940, assumed that significant differences would be revealed by a comparison of 250 boys committed by the Boston Juvenile Court to the Lyman School for Delinquents with a control group of 250

²⁰ William Healy and Augusta Bronner, *New Light on Delinquency and Its Treatment* (New Haven: Yale University Press, 1936).

²¹ Sheldon and Eleanor Glueck, *Unraveling Juvenile Delinquency* (New York: The Commonwealth Fund, 1950). Subsequent volumes and a current project involving elaborate statistical manipulations embody the initial findings. For a discussion of the prediction scales, see Robison, *Juvenile Delinquency, Its Nature and Control*, Chapter 6.

²² Erik Erikson, *Childhood and Society* (New York: W. W. Norton, 1950). Within the limits of this article it is not possible to discuss group delinquency. The reader may refer to Chapter 9, pp. 121-142, in Robison's *Juvenile Delinquency, Its Nature and Control*.

boys matched for residence, age, ethnic group and I.Q., but who had not been before the juvenile court. Since they could not offer clinical services, as Healy and Bronner did, they had to depend upon painstaking investigations of many background factors, including school records, a physical examination, anthropomorphic measurements, a Rorschach test, and one psychiatric interview. They concluded that the delinquents were physically mesomorphic (muscular, restless, impulsive, aggressive), intellectually unconcerned with symbolic or abstract thinking, and socio-culturally reared in homes with little understanding, affection or stability.

The reputation of the researchers, as well as the vast financial investments involved, stimulated many reactions, some laudatory, some critical. In this writer's opinion, with which Wilkins concurs, the major defect of the study is that the authors fail to recognize that their definition of a "delinquent"—one who is committed to an institution—is only a description of factors which influence the judge's decision to order the removal of a boy from the community. The prediction scales developed by the Gluecks and widely used are obviously open to question.

Erik Erikson, whose training includes psychiatry and anthropology, suggests a new way to look at individual as well as group delinquency.²² In Erikson's view, delinquent behavior is the result of gaps in proper personality development. At adolescence, the youth reexperiences the insecurity and diffusion of identity which is the lot of most infants. The "significant adults" (parents or parent substitutes) often fail to understand the infant's need for security, the growing child's need for acceptance, and the adolescent's need to experiment in his efforts to wean himself from adult control. In this last instance, if the adults react negatively to the adolescent's experiments, they may precipitate the choice of a negative role; the youth may become delinquent in response to what he thinks are society's expectations. Erikson advocates more provision for useful and important work experience as an antidote for problems faced by the adolescent in our urban society.

SOCIO-CULTURAL EXPLANATIONS

In the 1920's, Clifford Shaw, a probation officer in Chicago, approached the explanation of antisocial behavior by examining the geographic distribution of cases of truants, juvenile delinquents and adult offenders in the years 1900 to 1927. Shaw's main findings were that the nearer a given locality is to the center of the city, the higher its delinquency and crime rate. High rates occurred in areas characterized by physical deterioration and declining population. Unfortunately, Shaw's basic data did not support his thesis, either qualitatively or quantitatively.²³

In the following decades, although the delinquency area theory continued to be applied, investigators turned their attention to other variables that might effect behavior patterns in slum areas. Walter C. Reckless, Simon Dinitz and Barbara Kay asked why some boys who live in high delinquency areas appear to develop a resistance to delinquent behavior—even in the most adverse social setting. Their data, based on the nomination by sixth grade teachers in slum schools of boys likely to become delinquent or nondelinquent, was supplemented by interviews with the boys and their mothers. They concluded that a boy's concept of himself as a socially acceptable individual, fortified by the belief of his parents and teachers, was strong enough to keep him out of trouble regardless of the type of neighborhood in which he lived.²⁴

Despite greater sophistication in statistical

procedures in more recent studies of the spatial distribution of delinquents, the evidence in support of the underlying hypotheses of such studies—reasonable though they appeared to their advocates—was either contradicted by subsequent studies or failed to take into consideration other relevant factors. Regrettably, the field of socio-cultural investigation as a whole is not much better off than it was at the time of Jerome Michael and Mortimer Adler's monumental study in 1930.²⁵ The two major shortcomings in the field are still: 1) the uncritical acceptance and statistical manipulation of official data, because such data is readily available, and 2) the failure to differentiate a definition from an empirical proposition.²⁶

CAREERS PATTERN PROJECT

The important empirical study of *Sexual Behavior in the Human Male*,²⁷ which disproved many erroneously-held beliefs about the sexual behavior of men, was the original stimulus for the Careers Pattern Project, otherwise known as "The Study of the Youthful Delinquent Behavior of Men Who Are Today Respectable Members of Society." Financed by a grant from the National Institute of Mental Health as a frankly exploratory effort, the basic hypothesis of the study was that the qualities that make for success in our competitive society are likely to be those which are demonstrated by overt aggressive behavior in adolescence. Whether or not this behavior results in an official label of delinquency varies with the locality, the ethnic background, socioeconomic characteristics and the availability of community resources for funneling youthful energies. It was further hypothesized that there would be no relationship between the seriousness of the behavior and the acquisition of the stigma.

The frankly exploratory sample of 269 interviews in Glen Cove, New York, and 91 in Boston, Massachusetts, included males between the ages of 30 and 60 who had spent their adolescence in the United States and were willing to set aside two hours of uninterrupted time to talk about their problems of growing up to help young people today.

²³ Clifford R. Shaw, *Delinquency Areas* (Chicago: University of Chicago Press, 1929), and Shaw and Henry D. McKay, "Social Factors in Juvenile Delinquency," in *Report on the Causes of Crime, II*, (Washington: National Commission on Law Observance and Enforcement, 1931) p. 13. For comment, see Robison, *Juvenile Delinquency: Its Nature and Control*, pp. 91-95.

²⁴ Walter C. Reckless, Simon Dinitz and Barbara Kay, "The Self Component in Potential Delinquency and Potential Non-Delinquency," *American Sociological Review*, October, 1957.

²⁵ Jerome Michael and Mortimer J. Adler, *Crime, Law and Social Science* (New York: Harcourt, Brace, 1933).

²⁶ See Robison, *Juvenile Delinquency: Its Nature and Control*, chapter 12, for a discussion of causal theory.

²⁷ Alfred C. Kinsey, Wardell Pomeroy and Clyde E. Martin, *Sexual Behavior in the Human Male* (Philadelphia: W. B. Saunders, 1948).

A well-trained male interviewer began with questions about the respondent's work history; the family in which he grew up; his physical characteristics and his leisure outlets. Other questions probed his attitudes towards relevant institutions of society and social control—the family, the school, the church—and adults or peers who might have played a significant part in his development.

Not until the interview was about half over was the respondent asked what he thought was his most serious adolescent misbehavior, what had happened, and how he felt about it at the time. His current attitudes and ethical standards were tapped in his reactions to well-known modern episodes such as academic cheating, illegal price-fixing and various sport scandals. Although the majority of the respondents reported behavior that could have earned them the official label of delinquent, less than five per cent identified themselves as delinquents. The responses to questions on ethical behavior showed generally flexible standards which suggested that from their viewpoint the major sin was getting caught.

In brief summary, the results of the exploratory study suggested that respondents who were physically active and gregarious, who lived in working-class neighborhoods, who left school before high school graduation, who regarded the police as enemies and mentioned no adult role models were apt to have delinquency scores above the median. In contrast, those with low serious delinquency scores, i.e., scores below the median, grew up in homes in which both parents were recalled as friendly, methods of control were nonpunitive and teachers as well as parents were role models. We do not yet know the relative contributions of each of these factors in the precipitation of serious delinquent behavior. The findings suggest, in addition to more dynamic programs of family-life education, more emphasis on teacher-training focused on encouragement for reluctant scholars and reconsideration of the methods of selection

and training of the police—the gatekeepers of society.

More definitive answers to the why of delinquency require initial commitment to four propositions: 1) that neither crime nor delinquency is coterminous with legal definitions, 2) that account must be taken of the situation in which the delinquent behavior occurs, 3) that the action which the community initiates conditions the responses and the reactions of those who are apprehended, and 4) that on the basis of today's knowledge a social problem such as this involves psychobiological, socioeconomic and cultural factors. In other words, in order to determine the likelihood that an individual will indulge in disapproved behavior—either unnoted or officially labeled delinquent—it is necessary to know the youngster, the family, the ethnic or religious group and the environment in which he moves.

Concerned communities should explore the nature and extent of officially-labeled versus hidden delinquency, the opinions and attitudes of community representatives toward adolescent behavior, and the adequacy of their own programs for coping with manifestations of serious juvenile delinquency.²⁸

Sophia Robison, a research consultant for the National Urban League study on open occupancy and the New York State Division of Youth, was assistant director of the Juvenile Delinquency Evaluation Project of New York City from 1956 to 1961. She has taught courses at various New York City municipal colleges, New York University, Smith College, Adelphi University, Yeshiva University and, in 1961, was a visiting professor at Howard University School of Social Work. In 1967, she is lecturing on delinquency at the New School of Social Research and is research director of the Social Dynamics Corporation. Mrs. Robison is the author of *Juvenile Delinquency, Its Nature and Control* (New York: Henry Holt, 1960), *Can Delinquency be Measured?* (New York: Columbia University Press, 1934), and other books, articles and reviews in professional journals.

²⁸ The writer is now at work on a guidebook for a community self-survey.

Noting that "Never before has so much crime been traceable to drug use," this specialist on narcotics addiction finds it hopeful that "for the first time, massive federal and state programs are swinging into action." As he sees the problem, "We are, at the present time, at a crossroad with respect to crime related to drug addiction."

Drug Addiction and Crime

By CHARLES WINICK

*Director, Program in Drug Dependence and Abuse,
American Social Health*

THE INTERPENETRATION of heroin addiction and crime is a substantial contributor to the crime rate in the United States. Addiction to opiates, and especially to heroin, is much more likely than any other form of illegal drug use to be related to crime, although several hundred thousand persons use amphetamines and barbiturates outside of medical channels, many persons smoke marihuana, and children as young as 11 and 12 sniff glue. The lack of reliable information and data on the abuse of drugs other than heroin makes it difficult to speak with certainty about the relationship of such drugs to crime.

The Harrison Act, the basic federal law that regulates opium and its derivatives, was passed in 1914. The laws of our 50 states largely reflect the act, which does not make it a crime to be an addict but does make possession of narcotic drugs a violation of the law. The severity of the offense and therefore the sentence to which it might lead is related to the quantity of narcotic drugs found in the possession of the offender. Another element in the court's evaluation of the offense is whether the offender was planning to use the drugs for himself or had intended to sell them. The seller, of course, is treated more severely than the user. A person carrying a substantial quantity is presumed to be a seller.

Marihuana is subject to the same legal con-

trols as the opiates, although it is not an addicting substance. Possession of heroin or marihuana for any purpose is illegal and both substances are outlawed in the United States.

The heroin addict contributes to crime in the community because of his urgent and continuous need for substantial amounts of money to buy daily doses of heroin. The typical male heroin addict has no established vocation and lacks an occupation to which he can turn for regular income. As a result, the primary method by which he can get ready cash is engaging in burglary and robbery. The average urban addict needs from \$10 to \$60 each day in order to maintain his "habit" and, since stolen goods bring only 20 per cent of their value, a representative addict must steal merchandise, each day, that is worth from \$50 to \$300. The male addict becomes a continuing one-man crime wave and is unlike other criminals in that he *must* "score" every day.

THE ILLEGAL DISTRIBUTION SYSTEM

In order to supply the growing market for heroin, an elaborate system for smuggling drugs into the country has been developed, along with a network of wholesalers, retailers and "pushers." India and Turkey produce practically all the opium that the world requires for legitimate medicinal purposes and most of the illegal opium reaching the United

States comes from Turkey. The farmers who grow the opium poppy in Turkey sell it to the government monopoly at \$8 to \$12 a kilo (35 ounces). Drugs move into illegal channels through local smugglers, who pay approximately \$5 more per kilo than the government price. The smuggler who buys opium from the Turkish farmers is usually armed and extremely well informed on the latest border crossing techniques.¹

Smugglers usually convert opium to morphine base in order to simplify its illegal transportation because each 10 kilos of opium converts to 1 kilo of morphine base, which also has less of an identifiable and distinctive odor than opium. From Turkey, the opium or the morphine base moves through Syria to Lebanon and then to France or Italy, where a kilo of morphine base may be bought for approximately \$20,000. The kilo is only slightly larger than a building brick, and once smuggled across the Atlantic Ocean, can ultimately bring between \$800,000 and \$950,000 in New York, where it is diluted and sold to the ultimate consumer. The addict in the street who buys a glassine "bag" gets heroin that is from one to five per cent pure.

The Corsicans who appear to dominate the smuggling business have direct relationships with major New York importers; others deal with importers in Montreal who then resell the product in New York. During the 1920's, the organized racketeers who imported and distributed opium operated as a series of small businesses. By the 1930's, an understanding was reached among the major gangster groups and developed into a loose confederation that represented a local modification of the Mafia.

It is likely that three or four major importers dominate the New York narcotics distribution system. Even though federal officials probably know the identity of the key smuggling wholesalers, they may not be able to assemble the evidence needed to convict them in a court of law. They are almost impossible to arrest because they seldom handle or even see the merchandise that their assis-

tants are selling. Only rarely is one of the major wholesalers convicted.

The same considerations make it difficult to crack down on violations of the international machinery for control of opiates, which is exercised through the United Nations' Permanent Opium Control Board in Geneva. The United Nations machinery for enforcement of its national quota system for opium production and use is essentially voluntary in nature and it is unlikely that the machinery for international regulation of opium production can change in the immediate future. Although most countries of the world belong to the United Nations and do cooperate with its efforts to control the legitimate use of opium derivatives, each country must police itself. Thus, even though American authorities might suspect that a particular area in Turkey is providing a substantial amount of drugs for the illegal market and the American government might inform the Turkish authorities, the latter would have to act.

With the opportunity of earning more than one hundred times his investment in a very short time, many a drug wholesaler is willing to undertake the risk involved in the illegal traffic. His courier may receive \$5,000 to \$10,000 for bringing the drugs across the Atlantic. If the courier is arrested but does not "talk," he knows that his relatives will receive some stipend from the wholesaler. If, however, the arrested smuggler cooperates with the police, it is possible that he or some member of his family may be killed. As a result, the couriers who regularly bring drugs into the country very seldom act as informers against their employers.

One problem in making an effective legal case against the drug wholesalers is that the courier who brings the material across the Atlantic is often the only member of the distribution group who is arrested. The courier seldom knows higher level members of the syndicate and is likely to be in contact only with other subordinates on either side of the Atlantic. High officials of various governments have sometimes functioned as couriers. In October, 1960, United States

¹ David Lyle, "The Logistics of Junk," *Esquire*, March, 1966, pp. 59-67.

agents arrested Mauricio Rosal, Guatemala's ambassador to Belgium, and seized 101 kilos of pure heroin. Two other diplomats of ambassadorial rank have been arrested and convicted in recent years.

It has been alleged that Communist China is sending opium to the United States in order to undermine American morals as well as make substantial profits, but there is reason to believe that relatively little heroin comes into the United States from China today, although some does come from the Burma-Laos area. It is possible that Chinese drugs will be coming here in greater quantities in the future, but the wholesale market is already very tightly controlled.

Most of the heroin sold in California comes not from China but from Mexico, where there are a number of relatively small but active opium growers who smuggle drugs over the California border in small quantities, often by automobile. There is reason to suspect that private airplanes are used to fly some heroin into the United States, sometimes dropping the drugs at a prearranged point in the United States and returning to Mexico without even landing here.

The concentration of addiction in a few states and several major cities makes the illegal opiate market compact and easy to serve. Further facilitating distribution, in cities with a high incidence of addiction, addicts tend to cluster in a few neighborhoods. Inasmuch as the typical addict needs heroin every five or six hours in order to avoid withdrawal symptoms, he can be described as being one of the most loyal consumers of any commodity.

The enormous profits deriving from the illegal sale of heroin go into a variety of other smuggling activities. There is reason to be-

² Report from the Federal Bureau of Investigation, dated July 27, 1964, appearing in Hearings Before the U.S. Senate Permanent Subcommittee on Narcotics, "Organized Crime and Illicit Traffic in Narcotics," Part 3, p. 678.

³ Morris Kuznesof, *Probation for A Cure*, Report from U.S. Probation Office, Southern District of New York, September, 1955; Bureau of Criminal Statistics, California Department of Justice, Narcotic Arrests and Dispositions, 1960; Hearings Before the U.S. Senate Permanent Subcommittee on Narcotics, op. cit., July 30, 1964, Part 4, p. 943.

lieve that a substantial proportion of the other crimes in the United States are financed by profits from the illegal drug traffic. And although such an assertion is difficult to prove, there is every likelihood that considerable legitimate business is financed by profits from illegal opiates.

DOES CRIME ANTEDATE ADDICTION?

There has been considerable discussion over whether the drug addict becomes a criminal only or primarily because he needs money for drugs, or whether he was engaging in antisocial activity prior to his addiction. Although the former may have been likely at some time in the past, the latter appears to be true today.

In the 1930's, the typical addict was an indigent white Southerner who was not participating in any subculture of anti-social activities. Since the end of World War II, however, the modal addict has been a Negro, Puerto Rican, or Mexican-American teenager or young adult who was involved in a number of antisocial and frequently criminal activities before he began heroin use. The Federal Bureau of Investigation has analyzed the careers of over 6,000 persons who had been arrested at least twice and had at least one narcotic violation charge. Seventy-three per cent had been arrested on some criminal charge prior to their first arrest for a violation of the narcotics law. The FBI also analyzed 1,000 narcotic offenders who had been identified as addicts by local authorities. For this group also, 73 per cent had been arrested for some other criminal offense before their first arrest on a narcotic charge.² In three other follow-up studies of post-World War II addicts in large cities, the majority had criminal records prior to the onset of addiction.³ Each of the major follow-up studies also concluded that an addict is likely to engage in more criminal behavior after the onset of addiction than before. To some extent, of course, the offenses may be regarded as an extension and continuation of patterns of behavior that antedated addiction.

What kind of crimes do addicts commit? Post-addiction offenses include more income-

producing activities than before.⁴ The crimes involved are robbery, which is both an offense against the person and a money-producing activity; offenses against property; and drug offenses. Crimes against the person do not increase after addiction, and the increase in robbery is primarily a reflection of its function as a money producer rather than as a crime against a person.

How can the woman addict acquire large sums of money daily? Most women solve the problem by becoming prostitutes. Once they have established themselves as prostitutes, the new vocation offers a continuing opportunity to acquire considerable amounts of cash. The relatively low pay associated with the unskilled work that a former prostitute might find in the legitimate world can hardly compare with the income from street-walking, being an inmate of a brothel, or working as a prostitute out of a hotel or bar. For all practical purposes, therefore, the female addict will remain a prostitute for much of her adult life.

Jazz musicians and physicians are probably the two occupational groups most frequently found among drug users.⁵ Although the incidence of opiate use among these occupations seems to be fairly constant, neither group contributes to crime to any appreciable extent, because the working musician earns enough to buy opiates and the physician has access to the drugs as a result of his professional work.

How much is addiction costing the United States? Let us conservatively assume that the total number of male addicts active in the United States and not currently incarcerated or participating in a treatment program is 45,000. Let us further assume that the typical urban male addict has a minimal "habit" of \$10 a day, so that he must steal

\$50 a day or \$350 a week worth of merchandise. These 45,000 men would be stealing a weekly average of \$15,750,000 or a total of \$818,000,000 a year. In addition to such a staggering cost in money, the addict is "tuning out" of the community at an age when most people are making momentous decisions about jobs, marriage and future relationships, and moving into the most productive years of young adulthood. Such human costs are even more disturbing than the losses in money and property that are occasioned by drug use.

TREATMENT PROGRAMS

Effective treatment programs would help to decrease the number of addicts and therefore the incidence of crime. Discussions of addiction usually avoid the word "cure" because to use the word would imply a state of knowledge that we do not at present possess. As a result, any attempt to establish the comparative effectiveness of different programs must be very cautious. One recent experimental program that has had a limited trial but received considerable attention is the methadone maintenance program, set up at the Rockefeller University in New York City. Under this program, addicts of long standing are given methadone, a synthetic opiate.⁶ They become addicted to methadone, which is a "good" opiate that does not lead either to euphoria or depression when it is used regularly. Methadone appears to block the effect of heroin. The first two years of experience with methadone maintenance, with a sample of 250 voluntary patients, has been comparatively successful. Many patients on methadone have returned to school, obtained jobs, and become reconciled with their families; medical and psychometric tests have disclosed no sign of toxicity.

It is too early to tell whether the methadone program can be extended to large numbers of addicts. It seems to represent the only unequivocal technique for removing addicts from the criminal subculture, short of incarceration. Traditional methods of psychiatry, psychology and social work have been generally unsuccessful in bringing about long-

⁴ John A. O'Donnell, "Narcotic Addiction and Crime," *Social Problems*, 13, 1966, pp. 344-385.

⁵ Charles Winick, "The Use of Drugs by Jazz Musicians," *Social Problems*, 7, 1960, pp. 240-253; "Physician Narcotic Addicts," in Howard S. Becker, editor, *The Other Side* (New York: Free Press, 1964), pp. 261-280.

⁶ Vincent Dole and Marie Nyswander, "Rehabilitation of Heroin Addicts After Blockade With Methadone," *New York State Journal of Medicine*, 66, 1966, pp. 2011-2017.

term rehabilitation, with an average rehabilitation rate of 10 to 15 per cent.⁷

Our ability to provide vocational training for former addicts has also been somewhat discouraging, especially when coupled with employers' reluctance to hire a former "dope fiend." The former addict who wants to become a "square" and get a "9 to 5 bag" in a legitimate job may therefore have difficulties in translating his good intentions into action. He may even experience problems in finding a place to live, since a record as an addict is enough to make him ineligible for public housing in most cities.

What is the outlook for the future? The number of drug addicts in the United States has been increasing at the rate of approximately ten per cent a year. As of the end of 1965, there were 57,199 addicts, according to the Federal Bureau of Narcotics. For some years to come, we may assume that our addiction problem will remain at least on its present level.

There are, however, some countervailing forces. California and New York, the two states with the largest number of addicts (as of the end of 1965, California had 6,836 and New York had 29,510), have both instituted civil commitment procedures that may ultimately lead to a decline in the number of addicts. The federal government is now beginning a similar program. All the civil commitment approaches involve a court which requires an addict to spend some time, often six months, in a treatment facility and to remain under parole supervision for a longer period of time, often two and a half years. The civil commitment programs are rooted in the new official view that regards the drug user as a sick person who needs rehabilitation as well as incarceration but who is unlikely to seek help unless forced to do so.

The civil commitment programs represent

⁷ Marie Nyswander, *The Drug Addict As A Patient* (New York: Grune and Stratton, 1956).

⁸ Charles Winick, "Maturing Out of Narcotic Addiction," *United Nations Bulletin on Narcotics*, 14, 1962, pp. 1-7, and "The Life Cycle of the Addict and Addiction," *United Nations Bulletin on Narcotics*, 16, 1964, pp. 22-32.

⁹ These figures derive from the annual reports of the Federal Bureau of Narcotics.

a compromise between the punitive and the rehabilitative approach, and reflect our desire to create an atmosphere not hospitable to drug use but receptive to the possibility of rehabilitating the drug user.

If the civil commitment programs are substantially successful over a period of perhaps the next ten years, there should be a decline in the number of addicts. Another factor making for a reduction in addiction is the tendency of perhaps as many as two-thirds of addicts to "mature out" and cease using opiates by the time they reach their thirties.⁸ We do not know precisely how this comes about; one speculation is that the pressures and decisions that contributed to a teenager's beginning opiate use have become less urgent by his thirties, especially after he has had some experience with the community's law enforcement apparatus.

One additional trend that may work to bring about a decline in the drug problem is the drop in the number of Negro addicts. Negro addicts accounted for 57.8 per cent of all new addicts in 1956 but only 40.2 per cent in 1965.⁹ Numerically, this represents a drop from 5,395 to 2,419 new addicts. Among the reasons for this development are growing racial pride, an increase in the self-esteem of many Negro communities, the effect of education and law enforcement, and the

(Continued on page 365)

Charles Winick has served as director of the Musicians' Clinic, a psychiatric clinic for addicted musicians, and, from 1955 to 1957, as a consultant on narcotics to the United States Senate Subcommittee on Juvenile Addiction. From 1957 through 1959, he was research director of the New York State Joint Legislative Committee on Narcotics. He has been research director of the Narcotics Addiction Research Project in New York City, and is a founding director of the National Advisory Council on Narcotics. Author of eight books and more than 100 articles on various aspects of social pathology, Dr. Winick has taught at M.I.T., Columbia University, the University of Rochester, and other institutions.

Analyzing the role of violence in American society, this observer notes that "duality between peacefulness and passivity, on the one hand, and aggression and violence, on the other, is one that has continuously permeated American life." This, he finds, contributes to the "variegated and confusing indoctrination regarding violence that is transmitted in the United States."

Violence in American Society

By GILBERT GEIS

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ON EASTER SUNDAY, 1967—as on other days in recent times—thousands of young persons gathered at points spanning the country, to participate in a contemporary version of Christian ritual. In Los Angeles' Elysian Park an estimated 6,000 "hippies," many of them carrying flutes and tambourines, came together for a "love-in," the men wearing East Indian robes or American Indian blankets, the girls dressed in miniskirts, their legs painted psychedelic colors. Children and oldsters, according to a local newspaper, "danced on the grass like Pans in a rite of spring." In New York City, on the same day, some 10,000 young persons gathered in Central Park for what they called a "be-in." An observer commented: "They sang love, shouted love, and lettered love on their foreheads in pink paint."

Meanwhile, other persons were attending more traditional Easter services. Both the "hippie" and the "square" gatherings, tranquil and almost transcendental in nature, were counterpointed by events which provide a fundamental key to the ambiguous role of violence in contemporary American society. At the Easter religious services in Los Angeles, for instance, pickets paraded the circumference of the Hollywood Bowl, bearing signs with messages such as "Would Christ Drop Napalm?" Near Elysian Park, where the younger generation was romping, one of their

number, wandering from the main body, was set upon by a gang of children aged 10 to 12. The gang boys threw rocks and bottles, and flailed the "hippie" youth with clubs, sending him to the hospital in critical condition, with a threatened loss of his right eye.

The duality between peacefulness and passivity, on the one hand, and aggression and violence, on the other, is one that has continuously permeated American life. Both forms of behavior are at times rewarded, both are encouraged, and both at different times are denigrated and denounced. It has been said that it is cowardly not to fight, that if you *don't* throw your weight around people will ignore you, that subtlety is more effective than force, that women may be weak and "nice" but that boys should be strong and aggressive. These, with similar bits of folk wisdom, constitute the variegated and confusing indoctrination regarding violence that is transmitted in the United States. From it emerge diverse amalgams of violent behavior, some of them sanctioned and praised, others of them deplored and interdicted by the criminal codes under names such as murder, manslaughter, assault and battery, rape and robbery.

It is important to keep clearly in mind which element of an act of violence is being stressed in discussions of the subject. Is it the inherent nature of the act itself, is it its

overt manifestation, is it its social or legal definition, or is it its consequences?

Take, for instance, the matter of consequences. It is evident that unprovoked physical attacks by gang members on passers-by are deplorable because innocent people are unreasonably maimed or killed; fear of similar attacks impairs the freedom of movement and sense of well-being of an untold number of other citizens. It seems obvious that street violence of this kind should be outlawed and that persons who commit it should be put out of circulation or otherwise convinced that they must behave in a fashion acceptable to society.

There are, however, many other things which also maim and kill innocent people that are tolerated and even approved. If, for instance, governors were placed on automobiles, permitting them to travel at speeds not greater than 40 or 50 miles an hour, perhaps 10,000 fewer persons would be killed in highway accidents each year and untold numbers of others would be spared injury. Fast driving, within speed limits, is perfectly permissible, however, and persons who bring about accidents under these conditions normally are not considered to be "violent." Their victims are written off as sacrifices to an ethos that prefers to move rapidly from one place to another rather than to keep alive thousands of driving casualties. It cannot, therefore, be only the lethal consequences of violence which make it abhorrent.

Infringement of freedom of movement, another outcome of unchecked street violence, may also be produced by numerous other situations. It is sadly true that residents in cities such as New York are likely to be fearful about venturing forth after dark, particularly in certain neighborhoods. But it is equally true that a much greater number of persons are much more seriously circumscribed in the freedom of their movement by actions bearing upon them that, while less direct and physical in their manifestation, are equally efficient. Lack of money and absence of adequate transportation, for instance, are but two such circumstances. It cannot, therefore, be only the re-

strictive consequences of violence which make it abhorrent.

It would seem, in such terms, that it is only in part the results of violence which contribute to concern regarding it. More important probably is the degree of directness involved—the fact that we may readily identify the perpetrator, and thus blame him, and that we may easily view and pinpoint the immediate wounds brought about by the particular violent act. It is much less easy to maintain with certainty that quietly vicious parents have produced a mentally ill, frightened child, or that a remote landlord, charging exploitative rents in a slum district, has produced a defeatist, alienated member of a minority group. It is quick, direct violence that we primarily attend to, undoubtedly in large measure because it is so much easier to do so.

VIOLENCE VERSUS CUNNING

Physical violence need not be the most devastating form of aggression. Stab wounds heal and victims of beatings recover. Violence directed against enemies may prevent greater social and personal harm, though the remoter effects of recourse to force to combat force is an arguable—and much argued—proposition. Violence in the form of athletic contests may tend to inculcate self-reliance and a will-to-succeed which in their turn can be personally and socially enabling. Without threat of violence, human beings may succumb to apathy and inertia, making them vulnerable to more overwhelming assaults, though perhaps, given the proper conditions, they will use energy no longer considered necessary for self-protection for more constructive ends.

Each of these propositions requires a much more careful delineation and appraisal before a flat declaration of the value of violence for a social system and for an individual can be reached. They merely indicate that violence is not necessarily despicable.

Many early societies, weighing the matter, placed more severe penalties upon offenses involving guile than upon those involving physical aggression. A citizen, they reasoned,

had some possibility of protecting himself from direct attack, but few resources with which to cope with superior cunning. Today, covert and wily forms of aggression may be replacing frontal expressions of anger and hostility as self-control becomes a more valued trait. It is moot, however, whether this change is an improvement.

Consider, for example, the pattern of child-rearing that is said to be fairly characteristic of middle-class American families. Themselves perhaps resentful of their own upbringing, contemporary parents tend to eschew spanking and similar physical attacks on their offspring in favor of tactics of deprivation. Deprivation generally involves a delicate determination of precisely those things which a child cherishes, such as a particular television show. Then, in the face of misbehavior, the parents cut off the treasured "privilege."

The outcome of deprivation may be much less desirable than the consequences of violence by parents against children. For one thing, hitting has a certain cathartic effect for parents. They will, despite their infuriating (to the child) claim that it hurts them more than it hurts the child, usually feel a good deal better afterwards. For another, the matter usually ends there, the air much purified. The difficulty is the same as with any expression of physical violence; it conveys to its recipient the vivid lesson that physical strength is the fundamental resource to be employed to resolve difficulties, especially when a weaker object can be found. In its extreme form, parental maltreatment has been found to be the most significant experience of murderers for whom "remorseful physical brutality at the hands of parents had been a common experience. Brutality far beyond the ordinary excuses of discipline had been perpetrated on them; often, it was so extreme as to compel neighbors to intercede. . . ."¹

Deprivation punishment, for its part, may

bring in its wake equally formidable difficulties. For one thing, the clever child soon learns to conceal his pleasures from the parent, knowing that otherwise they may be taken away in the event of misbehavior. Finally, as the contest of wills proceeds, the insecure child, with few other resources to sustain him, may find that his only protection lies in developing no attachment to or fondness for anything. Failing this, he is apt to be desperately hurt by the withdrawal of valued things. As an adult, such a child is likely to become a flat, emotionless individual, often particularly liable to exploit others because he has developed no fellow feeling for them or for anything else.

In such terms, it must be stressed that single-minded ideas about violence being good or bad, desirable or undesirable, preferable or outrageous, all must be carefully reviewed in regard to the available alternatives and *their* consequences and in regard to the total context in which the violence occurs.

THE CRIMES OF VIOLENCE

Little enlightenment on the amount of violence involved in the categories proscribed by the criminal law is apt to be gained from scrutiny of official tabulations. Fashions play altogether too great a role in compilations of official crime statistics to allow them to be taken very seriously. For one thing, public confidence in a police department will condition the amount of crime reported to it. For another, the efficiency of a department will itself influence the volume of crime coming to its attention so that, paradoxically, a very good police department may look quite bad in terms of the amount of crime in its jurisdiction when compared to a poorer department which neither discovers nor solves most crimes within its realm. For a third thing, intramural recording procedures may vary from year to year, conditioning the level of crime reported by the police. For instance, a 72 per cent increase in crime in New York City was recorded in 1966—virtually all of it traceable to changes in the manner in which violations were tabulated.

¹ See Glen M. Duncan, Shervert H. Frazier, et al., "Etiological Factors in First-Degree Murder," in *Journal of the American Medical Association*, 168 (November 22, 1959), pp. 1755-1758.

Crime itself is mediated by so many factors that it is usually far-fetched to jump from statements about its prevalence to judgments about the nature of the society at any given time. High rates of some forms of crime may even reflect improved social conditions. Take, for instance, the question of race relations. In earlier periods in the history of the United States, with a stabilized racial etiquette, there was comparatively little (though a good deal more than most persons realize) interracial disturbance. With enhanced freedom for Negroes came expanded visions, greater disappointments and deeper frustrations. Additional violence grew out of such circumstances, but few persons would be apt to rate a social climate stressing an unrealized but emerging democratic spirit as less admirable than a social climate preempting freedom and emphasizing subservience and absence of opportunity for persons in certain preordained castes.

Violence in the United States is also probably as much a matter of perception as one of reality. Daniel Bell, the sociologist, for instance, has pointed out that the breakdown of class barriers has alerted many Americans to violence that was always present but rarely seen by them.² Residents of the suburbs may now view on television screens acts of violence formerly cushioned by their remoteness, in the manner that the slaying of former President John F. Kennedy directly involved the emotions and thoughts of so many citizens. Better forms of public and private transportation mean that today persons traverse more and different kinds of territory than they did in earlier times. Thus, it is not unusual for such persons to view people and things that their forebears never encountered.

The often artificial foundation of attitudes regarding violence is shown by a recent study conducted in Roxbury, a high-delinquency area adjacent to the city of Boston.³ In in-

terviews, Roxbury residents complained bitterly about the crime rate, the danger of setting forth at night, and about uncontrolled violence in the neighborhood. A group of detached workers was assigned to work with gang members. Careful records kept of their accomplishments showed that the detached workers were unable to make any impress on the amount or kind of delinquency occurring in Roxbury. Nonetheless, when interviewed later, a large number of the neighborhood residents then maintained, despite the factual evidence of which they were unaware, that they felt safer, that they were certain there was less crime and that they believed it was the new program which had brought about the improved conditions.

What is it then that may be said with certainty about crimes of violence in the United States? We can report with some assurance that, compared to frontier days, there has been a significant decrease in such activities. It also seems likely that during the past decades, and particularly since World War II, violent offenses in the United States have been increasingly committed by younger people. This situation is undoubtedly the product of an almost ubiquitous precocity that has marked youthful activities. Youngsters marry younger, learn more earlier, and are freer (in urban settings conducive to such activities) to get into and to create their own difficulties.

For particular crimes of violence, the pattern is erratic, and this erraticism highlights the difficulty of placing faith in broad generalizations. Murder, for instance, has not increased much, if at all, in recent decades. Expanded employment of competent medical examiners in place of bumbling coroners has enabled us to designate as homicide many deaths previously listed as natural. But, on the other hand, medical advances, such as the discovery of sulpha drugs and the newer techniques of surgery, save innumerable persons, who, only a few years ago, would have been added to the roster of murder victims. Such items, some tending to raise the count of murder, others tending to decrease the

² See Daniel Bell, "Crime as an American Way of Life," chapter 7 in *The End of Ideology* (Glencoe, Ill.: The Free Press, 1960).

³ See Walter B. Miller, "The Impact of 'Total-Community' Delinquency Control Project," in *Social Problems*, 10 (Fall, 1962), pp. 168-191.

total, make definitive evaluations almost impossible.

Other crimes of violence are equally mercurial when we try to pinpoint their numerical character and to determine their variation over time. Criminal assault is probably much more apt to be reported to the police today than in earlier times, particularly as American women come to regard regular beatings less as a sign of husbandly duty and affection and more as an untoward insult. Rape too has been very responsive to changes in the moral standards of the society. Increased amounts of premarital sexual behavior, for instance, may be encouraging many more intricate near-seduction situations which (rather than the stereotyped lurking stranger) now account for the largest number of sexual assaults.

VIOLENCE AND THE MASS MEDIA

A popular assumption is that the uninhibited portrayal of violence by mass media in the United States transmits an image of aggression that is apt to be duplicated by those continuously exposed to its message. Literary violence is not, of course, a new phenomenon. Satirists are fond of dissecting the classic stories of childhood and pointing out that they are indeed a grim and gory collection. There is Captain Hook, his arm waving a spiked hook at Peter Pan, and there are Hansel and Gretel, on the verge of fiery immurement in the ugly witch's oven, after a frightening night in a dark and evil forest, having been abandoned to their fate by an indifferent father and a wicked step-mother.

Such portrayals of violence, given their extraordinary longevity and appeal, may be bereft of serious behavioral implications for children. Nobody, at least, has been able to demonstrate that children raised on such a bedtime diet are destined to reproduce similar grisly events in later life. Neither, it should be recorded, has the contrary been proven, nor is it apt to be.

There is no gainsaying, however, that the mass media in the United States often reflects patterns of violence differing in degree and

intensity from those found elsewhere in the world. Viewers of television, for instance, are apt to be impressed by the ritualistic manner in which violence is portrayed. Stories, in which events appear to be reasonably true to life and well within the realm of the possible will suddenly present fight sequences defying credence, with individuals inflicting punishment on each other that no one could conceivably survive for more than a few seconds. In rapid order, chairs bashed over heads will be ignored, punches that would fell elephants will be casually shrugged aside, and kicks ferocious enough to finish off any mortal will be greeted with no more than a momentary grunt on the part of the hero. The pummeling will proceed resolutely for perhaps a minute or more until (perhaps from the tedium of it all) the villain succumbs.

It is easier to caricature such proceedings, however, than to assay their importance and influence, however tempting such moralizing may be. This involves an intricate kind of research. Results to date, while far from conclusive, tend to point in the direction of culpability on the part of the media for their inordinate and disproportionate stress on violence.

THE VIOLENT MALE?

It is vital to appreciate the fact that man does not possess an inborn instinct for violence; expressions of violence represent matters learned after birth in a social context. Konrad Lorenz' *On Aggression*, a book

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Gilbert Geis joined the faculty of California State College at Los Angeles in 1957. During the 1965-1966 academic year, he was a fellow in law and sociology at Harvard Law School. More recently, he worked as a consultant for the President's Commission on Law Enforcement and Administration of Justice. Mr. Geis is coauthor of *Man, Crime and Society* (New York: Random House, 1962) and *Longest Way Home* (Detroit: Wayne State University Press, 1964).

CURRENT DOCUMENTS

Miranda v. Arizona

On June 13, 1966, the United States Supreme Court handed down its long-awaited decision in the confession case of Miranda v. Arizona (384 U. S. 436). The Court ruled 5 to 4 that the protections of the Fifth Amendment against self-incrimination must be given to any suspect undergoing in-custody interrogation and, further, that any confession obtained without ensuring these rights must be inadmissible as evidence. Excerpts from this landmark decision follow:

The cases before us raise questions which go to the roots of our concepts of American criminal jurisprudence: the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime. More specifically, we deal with the admissibility of statements obtained from an individual who is subjected to custodial police interrogation and the necessity for procedures which assure that the individual is accorded his privilege under the Fifth Amendment to the Constitution not to be compelled to incriminate himself.

We dealt with certain phases of this problem recently in *Escobedo v. Illinois* [378 U.S. 478 (1964)]. There, as in the four cases before us, law enforcement officials took the defendant into custody and interrogated him in a police station for the purpose of obtaining a confession. The police did not effectively advise him of his right to remain silent or of his right to consult with his attorney. Rather, they confronted him with an alleged accomplice who accused him of having perpetrated a murder.

When the defendant denied the accusation and said "I didn't shoot Manuel, you did it," they handcuffed him and took him to an interrogation room. There, while handcuffed and standing, he was questioned for four hours until he confessed.

During this interrogation, the police denied his request to speak to his attorney, and they

prevented his retained attorney, who had come to the police station, from consulting with him. At his trial, the state, over his objection, introduced the confession against him. We held that the statements thus made were constitutionally inadmissible.

This case has been the subject of judicial interpretation and spirited legal debate since it was decided two years ago. Both state and Federal courts, in assessing its implications, have arrived at varying conclusions. A wealth of scholarly material has been written tracing its ramifications and underpinnings. Police and prosecutor have speculated on its range and desirability.

We granted certiorari in these cases, in order further to explore some facets of the problems, thus exposed, of applying the privilege against self-incrimination to in-custody interrogation, and to give concrete constitutional guidelines for law enforcement agencies and courts to follow.

We start here, as we did in *Escobedo*, with the premise that our holding is not an innovation in our jurisprudence, but is an application of principles long recognized and applied in other settings. We have undertaken a thorough re-examination of the *Escobedo* decision and the principles it announced, and we reaffirm it.

That case was but an explication of basic rights that are enshrined in our Constitution—that "no person . . . shall be compelled in

any criminal case to be a witness against himself," and that "the accused shall . . . have the assistance of counsel"—rights which were put in jeopardy in that case through official overbearing.

These precious rights were fixed in our Constitution only after centuries of persecution and struggle. And in the words of Chief Justice [John] Marshall, they were secured "for ages to come and . . . designed to approach immortality as nearly as human institutions can approach it."

Today, then, there can be no doubt that the Fifth Amendment privilege is available outside of criminal court proceedings and serves to protect persons in all settings in which their freedom of action is curtailed from being compelled to incriminate themselves. We have concluded that without proper safeguards the process of in-custody interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely. In order to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored.

Our decision in no way creates a constitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect. We encourage Congress and the states to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws. However, unless we are shown other procedures which are at least as effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it, the following safeguards must be observed:

At the outset, if a person in custody is to be subjected to interrogation, he must first be informed in clear and unequivocal terms that he has the right to remain silent. For those unaware of the privilege, the warning is

needed simply to make them aware of it—the threshold requirement for an intelligent decision as to its exercise.

More important, such a warning is an absolute prerequisite in overcoming the inherent pressures of the interrogation atmosphere. It is not just the subnormal or woefully ignorant who succumb to an interrogator's imprecations, whether implied or expressly stated, that the interrogation will continue until a confession is obtained or that silence in the face of accusation is itself damning and will bode ill when presented to a jury. Further, the warning will show the individual that his interrogators are prepared to recognize his privilege should he choose to exercise it.

The Fifth Amendment privilege is so fundamental to our system of constitutional rule, and the expedient of giving an adequate warning as to the availability of the privilege so simple, we will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given. Assessments of the knowledge the defendant possessed, based on information as to his age, education, intelligence, or prior contact with authorities, can never be more than speculation; a warning is a clearcut fact. More important, whatever the background of the person interrogated, a warning at the time of the interrogation is indispensable to overcome its pressures and to insure that the individual knows he is free to exercise the privilege at that point in time.

This warning is needed in order to make him aware, not only of the privilege, but also of the consequences of foregoing it. It is only through an awareness of these consequences that there can be any assurance of real understanding and intelligent exercise of the privilege. Moreover, this warning may serve to make the individual more acutely aware that he is faced with a phase of the adversary system—that he is not in the presence of persons acting solely in his interest.

The circumstances surrounding in-custody interrogation can operate very quickly to overbear the will of one merely made aware of his privilege by his interrogators. Therefore, the right to have counsel present at the

interrogation is indispensable to the protection of the Fifth Amendment privilege under the system we delineate today. Our aim is to assure that the individual's right to choose between silence and speech remains unfettered throughout the interrogation process. A once-stated warning, delivered by those who will conduct the interrogation, cannot itself suffice to that end among those who must require knowledge of their rights.

A mere warning given by the interrogators is not alone sufficient to accomplish that end. Prosecutors themselves claim that the admonishment of the right to remain silent without more "will benefit only the recidivist and the professional." Even preliminary advice given to the accused by his own attorney can be swiftly overcome by the secret interrogation process. Thus, the need for counsel to protect the Fifth Amendment privilege comprehends not merely a right to consult with counsel prior to questioning, but also to have counsel present during any questioning if the defendant so desires.

An individual need not make a preinterrogation request for a lawyer. While such request affirmatively secures his right to have one, his failure to ask for a lawyer does not constitute a waiver. No effective waiver of the right to counsel during interrogation can be recognized unless specifically made after the warnings we here delineate have been given. The accused who does not know his rights and therefore does not make a request may be the person who most needs counsel.

In *Carnley v. Cochran*,¹ we stated: "[It] is settled that where the assistance of counsel is a constitutional requisite, the right to be furnished counsel does not depend on a request." This proposition applies with equal force in the context of providing counsel to protect an accused's Fifth Amendment privilege in the face of interrogation. Although the role of counsel at trial differs from the role during interrogation, the differences are not relevant to the question whether a request is a prerequisite.

¹ 369 U.S. 506 (1962).

² 372 U.S. 335 (1963).

³ 372 U.S. 353 (1963).

Accordingly we hold that an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation during the system for protecting the privilege we delineate today. As with the warnings of the right to remain silent and that anything stated can be used in evidence against him, this warning is an absolute prerequisite to interrogation. No amount of circumstantial evidence that the person may have been aware of this right will suffice to stand in its stead. Only through such a warning is there ascertainable assurance that the accused was aware of this right.

If an individual indicates that he wishes the assistance of counsel before any interrogation occurs, the authorities cannot rationally ignore or deny his request on the basis that the individual does not have or cannot afford a retained attorney. The financial ability of the individual has no relationship to the scope of the rights involved here.

In fact, were we to limit these constitutional rights to those who can retain an attorney, our decisions today would be of little significance. The cases before us as well as the vast majority of confession cases with which we have dealt in the past involve those unable to retain counsel. While authorities are not required to relieve the accused of his poverty, they have the obligation not to take advantage of indigence in the administration of justice.

Denial of counsel to the indigent at the time of interrogation while allowing an attorney to those who can afford one would be no more supportable by reason or logic than the similar situation at trial and on appeal struck down in *Gideon v. Wainwright*,² and *Douglas v. California*.³

In order fully to apprise a person interrogated of the extent of his rights under this system then, it is necessary to warn him not only that he has the right to consult with an attorney, but also that if he is indigent a lawyer will be appointed to represent him. Without this additional warning, the admonition of the right to consult with counsel would often be understood as meaning only that he

can consult with a lawyer if he has one or has the funds to obtain one.

Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease. At this point he has shown that he intends to exercise his Fifth Amendment privilege; any statement taken after the person invokes his privilege cannot be other than the product of compulsion, subtle or otherwise. Without the right to cut off questioning, the setting of in-custody interrogation operates on the individual to overcome free choice in producing a statement after the privilege has been once invoked.

If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must respect his decision to remain silent.

This does not mean, as some have suggested, that each police station must have a "station house lawyer" present at all times to advise prisoners. It does mean, however, that if police propose to interrogate a person they must make known to him that he is entitled to a lawyer and that, if he cannot afford one, a lawyer will be provided for him prior to any interrogation. If authorities conclude that they will not provide counsel during a reasonable period of time in which investigation in the field is carried out, they may do so without violating the person's Fifth Amendment privilege so long as they do not question him during that time.

If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel.

An express statement that the individual is

willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver. But a valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply from the fact that a confession was in fact eventually obtained.

Moreover, where in-custody interrogation is involved, there is no room for the contention that the privilege is waived if the individual answers some questions or gives some information on his own prior to invoking his right to remain silent when interrogated.

Whatever the testimony of the authorities as to waiver of rights by an accused, the fact of lengthy interrogation or incommunicado incarceration before a statement is made is strong evidence that the accused did not validly waive his rights. In these circumstances the fact that the individual eventually made a statement is consistent with the conclusion that the compelling influence of the interrogation finally forced him to do so. It is inconsistent with any notion of a voluntary relinquishment of the privilege.

Moreover, any evidence that the accused was threatened, tricked, or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege. The requirement of warnings and waiver of rights is a fundamental with respect to the Fifth Amendment privilege and not simply a preliminary ritual to existing methods of interrogation.

The warnings required and the waiver necessary in accordance with our opinion today are, in the absence of a fully effective equivalent, prerequisites to the admissibility of any statement made by a defendant. No distinction can be drawn between statements which are direct confessions and statements which amount to "admissions" of part or all of an offense. The privilege against self-incrimination protects the individual from being compelled to incriminate himself in any manner; it does not distinguish degrees of incrimination.

The principles announced today deal with the protection which must be given to the

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BOOK REVIEWS

ON CRIME

THE CHALLENGE OF CRIME IN A FREE SOCIETY. A Report by the President's Commission on Law Enforcement and Administration of Justice. (Washington, D.C.: Government Printing Office, February, 1967. 340 pages, including appendices, charts and index, plus summary, \$2.25.)

This report by the President's Crime Commission is an awesome collection of much of the fact and some of the fancy of crime and law enforcement in the United States. It is the work of 19 commissioners, 63 staff members, 175 consultants and many advisers across the nation and is an impressive reflection of the Commission's many hours of work since its establishment by President Lyndon Johnson on July 23, 1965.

The report is supplemented with many pictures and much chart material detailing the incidence of crime in America and its effects on the society, as well as on the organization and operation of our law enforcement agencies. It is further enriched by much personal testimony and the results of five special surveys.

Outlining the scope and causes of the problem, the first sections of the report ask for "a revolution in the way America thinks about crime." The Commission finds that many Americans "take comfort in the view that crime is the vice of a handful of people," and proceeds to document much evidence to indicate this view is "inaccurate." The evidence is sobering: one boy in six in the United States today is referred to the juvenile court; in 1965, more than two million Americans were received in prisons, juvenile training schools or placed on probation; "about 40 percent of all male children now living in the United States will be arrested for a non-traffic violation during their lives." At the same

time, findings from other Commission surveys—both national and local—indicate that there is far more crime in the United States than is actually reported.

Looking at the causal side of the coin, the report shows that much of American crime, delinquency and disorder is associated with "a complex of social conditions: poverty, racial antagonism, family breakdown, or the restlessness of young people." However, "despite the seriousness of the problem," the Commission finds "a significant reduction in crime is possible."

The sections of the report outlining the operations of "the criminal justice system"—from the day-to-day work of the police department through the court and corrections mechanisms—are especially fascinating to the uninitiated layman. Special sections on organized crime, drugs, the use of firearms, the use of advanced technology in police work, as well as a table of over 200 recommendations, contain much material of interest to the expert and concerned citizen alike. Of particular interest to those intrigued by the pros and cons of social questions is the appended section of additional views by various individual commission members. Scholars will want to explore the Commission's report further in the seven volumes of supporting data scheduled to be published throughout 1967 and 1968.

It is perhaps in the area of the scope and causes of crime in America that many readers will find the report most vulnerable. For, although much territory was covered, much ground was not thoroughly explored. Little was said of the nature of crime itself and the surveys, although illuminating, were scattered and based on relatively small samples. This is perhaps especially true in the areas of juvenile delinquency and drug use.

N.S.H.

ORGANIZED CRIME

(Continued from page 333)

Orleans. Only fortuitous circumstances prevented the takeover of Portland, Oregon and Kansas City, Missouri. Smaller communities, such as Cicero, Illinois and Reading, Pennsylvania, have been virtual baronies of organized crime. The parade of horribles could be extended almost indefinitely.

A political leader, legislator,³⁶ police officer, prosecutor or judge who owes allegiance to organized crime cannot render proper service to the public. When a newly-nominated judge in New York City pledged undying loyalty to a Cosa Nostra boss for procuring his selection to the bench, he perverted his office and all it stood for.³⁷ When the organization requests it, such a man must protect hoodlums who have committed not only gambling offenses but also murder or other crimes of personal violence. He is no longer a public servant, selected by and accountable to the people, as democracy demands; he is the servant of a small class of

³⁶ Illinois, for example, stands out as the state where corruption in the legislature has been the most blatant. For years the infamous "West Side Block" has fought, often successfully, against legislation contrary to the best interests of organized crime. One of its leaders, Roland Libonate, graduated from the state senate to the United States House of Representatives, where he sat until recently on the House Judiciary Committee. See generally, *Kefauver Report* at p. 40; Paul Simon, "The Illinois Legislature: A Study in Corruption," *Harper's*, September, 1964, pp. 74-78.

³⁷ The incident involved Judge Thomas Aurelio and Frank Costello, the successor head of the Luciano family in New York City. *Organized Crime Report* at p. 20. It is described in *Kefauver Report* at pp. 102-05. The pledge of undying loyalty came over a court-ordered wiretap. There is no question that the wiretaps made by the New York County District Attorney's Office constituted the major source of information for the Kefauver Committee's investigation in New York City. *State of New York, Commission of Investigation, Hearings April 5 and 6, 1960*, p. 27. The Committee itself stated: ". . . the wire taps in particular gave a vivid picture of Frank Costello as a political boss and an underworld emperor." *Kefauver Report* at p. 103. It is difficult to imagine an alternative source of information which would have developed this kind of data.

³⁸ 277 U.S. 438, 485 (1928).

³⁹ A.B.A., *Report on Organized Crime and Law Enforcement*, XIII (1952-53).

professional criminals. Once accustomed to accepting bribes from the criminal organization, many such public servants, moreover, soon begin to expect side payments for acts performed in the usual course of business. Thus the government soon loses any sense of allegiance to the public or to the moral standards that good government demands. Citizens can tolerate, in short, relatively large amounts of vice and street crime, but little governmental corruption.

Organized crime also seriously affects the quality of American life. Mr. Justice Louis D. Brandeis, in his classic dissent in *Olmstead v. United States*,³⁸ rightly suggested that "our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example." Mr. Justice Brandeis spoke in the context of lawless law enforcement.

TEACHING BY EXAMPLE

There is, however, another way in which government teaches by example. Its failures, too, do not go unnoticed, especially among the young, who see what is done and seldom listen to what is said. Unlike the successful criminal who operates outside of an organization and who requires anonymity for success, the top men in organized crime are well known both to law enforcement agencies and to the public. In earlier stages of their careers, they may have been touched by law enforcement, but once they attain top positions in the rackets, they acquire a high degree of immunity from legal accountability.³⁹ The statement of a leading worker with gang boys long ago pointed out the effect of this process:

When a noted criminal is caught, the fact is the principal topic of conversation among my boys. They and others lay wagers as to how long it will be before the criminal is free again, how long it will be before his pull gets him away from the law. The youngsters soon learn who are the politicians who can be depended upon to get offenders out of trouble, who are the dive-keepers who are protected. The increasing contempt for law is due to the corrupt alliance between crime and politics, protected vice, pull in the administration of justice, unemployment, and

a general soreness against the world produced by these conditions.⁴⁰

Within the fold of organized crime, an ambitious young man knows that he can rise from bodyguard and hood to pillar of the community, giving to charities, dispensing political favors, sending his boys to West Point and his girls to debutante balls.⁴¹ The President's Commission on Law Enforcement and Administration of Justice⁴² summed it up in these terms:

In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hard-working businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

The extraordinary thing about organized crime is that America has tolerated it for so long.

⁴⁰ Quoted in Frederick Milton Thrasher, *The Gang* (Chicago: Univ. of Chicago Press, 1927), p. 455.

⁴¹ Gus Tyler, ed., *Organized Crime in America* (Ann Arbor: University of Michigan, 1962), p. 288.

⁴² President's Report, p. 209. What legal steps should be taken to deal with organized crime, including the use of investigative grand juries, immunity grants, and electronic surveillance techniques, are outlined at pp. 200-208.

DRUG ADDICTION

(Continued from page 353)

frequency with which Negro slum-dwellers have seen many of their relatives and friends destroyed by narcotics. Any status connotation to narcotic use among Negroes has cer-

tainly declined, and it is possible that anti-poverty programs are providing many Negroes with vehicles of expression that were not previously available and that make addiction less attractive.

A fairly recent development that may contribute to a decrease in addiction is the number of rehabilitation programs that provide employment and create new careers for ex-addicts by making them key figures in the treatment process. Synanon in California is a private program that relies completely on ex-addicts as the whole treatment staff. New York City's Coordinator of Addictive Diseases, Dr. Efren Ramirez, relies heavily on former addicts in his community-based rehabilitation activities.¹⁰ Such new careers may provide work for ex-addicts, may enable them to use their years of opiate use toward a socially constructive activity, and ultimately may help to lead to a decrease in addiction.

Such trends are complicated by the extent to which drug use is now becoming almost endemic among some groups that have previously been fairly immune to it. High school and college students, bohemians, and other young people who are dissatisfied with the quality of the American life are expressing their dissatisfaction and making an ideological statement by taking illegal drugs. Although such drug users are violating the law, they are hardly likely to participate in the kind of crime in which the slum street addict has traditionally been involved.

We are, at the present time, at a crossroad with respect to crime related to drug addiction. Never before has so much crime been traceable to drug use, as the number of addicts has increased to record proportions. But for the first time, massive federal and state programs are swinging into action. The next five years will enable us to determine whether such programs, and similar efforts, will lead to a decrease in drug-related crime.

¹⁰ Lewis Yablonsky, *The Tunnel Back: Synanon* (New York: Macmillan, 1965), is the best discussion of *Synanon*; Dr. Ramirez' program is set forth in Ramirez, "The Problem of Narcotics Addiction in New York City," October, 1966 (Mimeo-graphed).

VIOLENCE IN AMERICAN SOCIETY

(Continued from page 358)

considered to be the most important contribution on the subject in this century, points out that among the carnivores only rats and men have no innate inhibitions against killing members of their own species. It has been noted in this respect that the Latin proverb *homo homini lupus*—man is a wolf to man—represents a libel on the wolf, a quite gentle animal with other wolves.

Anthropologists have filled out the biological portrait drawn by Lorenz with ethnographic studies of preliterate tribes that find no pleasure in dominating other persons or in hunting and killing. All such groups ask is that they be left in peace, a state they can achieve in the midst of power-seeking neighbors only by retreating to inaccessible territories. To Geoffrey Gorer, a prominent anthropologist, the most common distinguishing trait of the peace-loving tribes is an enormous gusto for sensual pleasures—eating, drinking, sex and laughter. Gorer has also found that these tribes make little distinction between the social characteristics of men and women. In particular, they have no ideal of brave, aggressive masculinity. No child grows up being told that "All men do X" or that "No proper woman does Y."⁴

APPRAISAL

For Gorer and others who have studied the matter, it is here that the key to the riddle of violence lies. Violence that warps and destroys will be controlled, they believe, only when societies no longer insist that virility and similar masculine status symbols be tied to demonstrations of aggression and violence. Some observers suspect that the "hippies," those Easter celebrants noted at the outset of this piece, may in some manner sense this. Sex roles seem blurred among them and it is sometimes difficult to distinguish the girls

⁴ See Geoffrey Gorer, "Man Has No 'Killer' Instinct," in *The New York Times Magazine*, November 4, 1966, pp. 47ff.

from the boys. The use of drugs by juveniles also represents withdrawal from combat, a disengagement from matters physical and forceful.

The paradox of course is that the United States is not an inaccessible territory and its citizens are not likely to be able to survive without some display of traditional masculine-style truculence and aggression. Abhorrence of violence presumably will either have to become universal or the violent will prevail. The alternative, asking for violence to be expressed only toward real enemies, but to be inhibited in regard to one's fellows, is an achievement that no society has yet been able to realize.

INDEPENDENT OFFENDER

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derstand the nature of female sexuality¹² may be important in such crimes as self-exposure and forcible rape. Limited means of sexual outlet has been suggested as a factor in certain homosexuality and in incest among rural people.¹³ Forcible rape by gangs may involve a group process wherein the leader gets so inescapably caught up in the expectations of his followers that he will behave in daringly novel ways.¹⁴

It seems to this writer that if we are to intervene successfully in the causal processes which produce "psychopathic" type sex crimes we must pay as much attention to the possible generating forces existing at the cultural level as we do to the individual offender. Only in this way can we acknowledge meaningfully a cardinal lesson taught by the social psychologist: human motivation is always and everywhere the resultant of biological, psychological and social forces.

¹² Alfred C. Kinsey, Wardell B. Pomeroy and Clyde E. Martin, *Sexual Behavior in the Human Male* (Philadelphia: W. B. Saunders Company, 1948), chap. 16.

¹³ Stanton Wheeler, "Sex Offenses: A Sociological Critique," in *Law and Contemporary Problems*, (Spring, 1960), pp. 258-78.

¹⁴ W. H. Blanchard, "The Group Process in Gang Rape," in *Journal of Social Psychology* (May, 1959), pp. 259-66.

MIRANDA V. ARIZONA

(Continued from page 362)

privilege against self-incrimination when the individual is first subjected to police interrogation while in custody at the station or otherwise deprived of his freedom of action in any way.

It is at this point that our adversary system of criminal proceedings commences, distinguishing itself at the outset from the inquisitorial system recognized in some countries. Under the system of warnings we delineate today or under any other system which may be devised and found effective, the safeguards to be erected about the privilege must come into play at this point.

Our decision is not intended to hamper the traditional function of police officers in investigating crime. When an individual is in custody on probable cause, the police may, of course, seek out evidence in the field to be used at trial against him. Such investigation may include inquiry of persons not under restraint.

General on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by our holding. It is an act of responsible citizenship for individuals to give whatever information they may have to aid in law enforcement. In such situations the compelling atmosphere inherent in the process of in-custody interrogation is not necessarily present.

In dealing with statements obtained through interrogation, we do not purport to find all confessions inadmissible. Confessions remain a proper element in law enforcement. Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence.

There is no requirement that police stop a person who enters a police station and states that he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make. Volunteered statements of any kind are barred by the Fifth Amendment and their

admissibility is not affected by our holding today.

To summarize, we hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be employed to protect the privilege, and unless other fully effective means are adopted to notify the person of his right of silence and to assure that the exercise of the right will be scrupulously honored, the following measures are required:

He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.

Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.

A recurrent argument made in these cases is that society's need for interrogation outweighs the privilege. This argument is not unfamiliar to this Court. The whole thrust of our foregoing discussion demonstrates that the Constitution has prescribed the rights of the individual when confronted with the power of Government when it provided in the Fifth Amendment that an individual cannot be compelled to be a witness against himself. That right cannot be abridged.

If the individual desires to exercise his privilege, he has the right to do so. This is not for the authorities to decide.

In announcing these principles, we are not unmindful of the burdens which law enforcement officials must bear, often under trying circumstances. We also fully recognize the obligation of all citizens to aid in enforcing

the criminal laws. This Court, while protecting individual rights, has always given ample latitude to law enforcement agencies in the legitimate exercise of their duties. The limits we have placed on the interrogation process should not constitute an undue interference with . . . proper . . . law enforcement.

As we have noted, our decision does not in any way preclude police from carrying out their traditional investigatory functions. Although confessions may play an important role in some convictions, the cases before us present graphic examples of the overstatement of the "need" for confessions. In each case authorities conducted interrogations ranging up to five days in duration despite the presence, through standard investigating practices, of considerable evidence against each defendant.

It is also urged that an unfettered right to detention for interrogation should be allowed because it will often redound to the benefit of the person questioned. When police inquiry determines that there is no reason to believe that the person has committed any crime, it is said, he will be released without need for further formal procedures. The person who has committed no offense, however, will be better able to clear himself, after warnings, with counsel present than without. It can be assumed that in such circumstances a lawyer would advise his client to talk freely to police in order to clear himself.

We have already pointed out that the Constitution does not require any specific code of procedures for protecting the privilege against self-incrimination during custodial interrogation.

Congress and the states are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described above in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues presented are of constitutional dimensions and must be determined by the courts.

The admissibility of a statement in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue

the resolution of which has long since been undertaken by this Court. Judicial solutions to problems of constitutional dimension have evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when Escobedo was before us and it is our responsibility today. When rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them.

HARLAN DISSENT (EXCERPTS)

The Court's opinion in my view reveals no adequate basis for extending the Fifth Amendment privilege against self-incrimination to the police station. Far more important, it fails to show that the Court's new rules are well supported, let alone compelled, by Fifth Amendment precedents. Instead, the new rules actually derive from quotation and analogy drawn from precedents under the Sixth Amendment, which should properly have no bearing on police interrogation.

. . . Nothing in the letter or the spirit of the Constitution or in the precedents squares with the heavy-handed and one-sided action that is so precipitously taken by the Court. . . .

WHITE DISSENT (EXCERPTS)

The most basic function of any Government is to provide for the security of the individual and of his property. These ends of society are served by the criminal laws which for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values.

The rule announced today will measurably weaken the ability of the criminal law to perform in these tasks. It is a deliberate calculus to prevent interrogations, to reduce the incidence of confessions and pleas of guilty and to increase the number of trials. Criminal trials, no matter how efficient the police are, are not sure bets for the prosecution, nor should they be if the evidence is not forthcoming.

THE MONTH IN REVIEW

A CURRENT HISTORY Chronology covering the most important events of April, 1967, to provide a day-by-day summary of world affairs.

INTERNATIONAL

Disarmament

Apr. 20—U.S. officials disclose that the U.S. has received a "go-ahead" signal from its NATO allies on negotiating a treaty with the Soviet Union to prevent the spread of nuclear weapons.

Apr. 28—U.S. State Department officials report that the Soviet Union has objected to the U.S. nuclear nonproliferation treaty proposals, particularly those provisions that safeguard the rights of the European Atomic Energy Community.

European Economic Community (Common Market)

Apr. 10—West German Foreign Minister Willy Brandt endorses Britain's entry into the E.E.C. It is expected that Britain will formally reapply for membership soon.

European Free Trade Association (EFTA)

Apr. 28—EFTA issues a communique supporting Britain's proposed move to seek admission to the E.E.C.

International Monetary Fund

Apr. 14—The International Monetary Fund announces that it will lend \$60 million to Colombia because Colombia faces inflation at home and international payments difficulties.

International Planned Parenthood Federation

Apr. 15—in Santiago, Chile, the eighth international conference of the International Planned Parenthood Federation meeting ends. Sir Colville Everell of Britain, secretary-general of the Federation, de-

clares that family planning is "a contemporary human right."

Latin America

Apr. 12—U.S. President Lyndon B. Johnson addresses an informal closed session of the meeting of Western Hemisphere presidents in Punta del Este; he promises U.S. support for the proposed common market for Latin America.

Apr. 13—The presidents of the American republics (except for the U.S.) and the prime minister of Trinidad and Tobago unanimously approve a "plan of action" in which they agree to establish a Latin American common market within a 15-year period (1970-1985).

Apr. 14—The Punta del Este conference ends. With the exception of Ecuador's President Otto Arosemena Gomez, the American presidents sign the final Declaration of the Presidents of America, containing the common market plan. Arosemena declares that Ecuador is rejecting the declaration "because we consider that it does not satisfy the aspirations of our people in the aspects that are regarded as fundamental for achieving the rapid economic and social development of Latin America"; he advocates greater U.S. financial assistance for Latin America.

North Atlantic Treaty Organization (NATO)

Apr. 5—*The New York Times* reports that, in an exchange of letters with West German Chancellor Kurt Georg Kiesinger, U.S. President Johnson has declared that the U.S. will redeploy 2 brigades (12,000 men) now stationed in West Germany. It is also reported that as part of a U.S.-British-German agreement, Britain will withdraw one

brigade from its British Army of the Rhine in West Germany.

Apr. 7—President Johnson meets with the defense ministers of Britain, Canada, West Germany, Italy, the Netherlands and Turkey, after they conclude a formal meeting of the 7-nation nuclear planning group in Washington.

Apr. 26—U.S. Defense Department sources report that the U.S. has agreed to make additional arms purchases in Britain to help Britain pay for maintaining its forces in West Germany.

Southeast Asia Treaty Organization (SEATO)

Apr. 18—The annual ministerial meeting opens. The Australian minister for external affairs, Paul Hasluck, notes that France is boycotting the meeting; Hasluck criticizes Britain for reducing its military commitments in the Middle and Far East.

Apr. 20—The 3-day ministerial meeting ends. In a final communique, the SEATO powers declare "that reciprocity is an essential element of any acceptable proposal for reduction in the fighting" in Vietnam.

United Nations

Apr. 1—U.N. Secretary-General U Thant asks the U.S. to declare a unilateral truce in Vietnam.

Apr. 12—The Soviet representative, Nikolai T. Fedorenko, announces that the U.S.S.R. will make a voluntary contribution to help meet the U.N. deficit. The deficit is caused by the refusal of the Soviet Union and other nations to pay their assessments for the U.N.'s peacekeeping operations.

Apr. 26—Yugoslavia and 49 Afro-Asian states, in a formal resolution, ask the U.N. to use force to establish its authority over South-West Africa. In October, 1966, the General Assembly voted to suspend the mandate under which South Africa has ruled the territory. (See *Intl. United Nations, Current History*, December, 1966, p. 369.)

War in Vietnam

Apr. 4—U.S. spokesmen report that the U.S.

has lost 500 planes over North Vietnam since U.S. bombing attacks began 32 months ago.

Apr. 8—The South Vietnamese government proposes that North and South Vietnam mark a 24-hour truce on May 23 to celebrate the birth of Buddha.

The U.S. announces that it will honor such a truce.

Apr. 11—In Washington, U.S. officials declare that the Soviet Union and China have apparently agreed to accelerate the flow of Soviet military equipment destined for North Vietnam.

Apr. 13—The Vietcong destroy 2 of the 5 steel bridges spanning the Cade River 6 miles north of Danang. At approximately the same time, a highway bridge near Quangtri is dynamited. The supply route to U.S. marines in the demilitarized zone is cut.

Apr. 14—Some 4,500 U.S. soldiers, the 196th Light Infantry Brigade, arrive in the I Corps area to reinforce marine units there.

Apr. 19—The South Vietnamese government announces an amnesty program, known as national reconciliation, for the leaders of the Vietcong.

In a broadcast Premier Nguyen Cao Ky discloses details of the national reconciliation amnesty program, omitted from his speech earlier today. The details concern personal liberty for defectors.

The U.S. State Department makes public a U.S. proposal that each side in Vietnam withdraw its forces 10 miles from the demilitarized border zone (a 6-mile-wide strip) dividing North and South Vietnam.

Apr. 20—in Washington, the U.S. and its 6 allies in the Vietnamese War confer.

For the first time, U.S. bomber planes strike 2 power plants in Haiphong (North Vietnam's major port); one plant is in the downtown area of the city.

Apr. 21—The North Vietnamese foreign ministry announces that over 100 civilians were killed or wounded in yesterday's attack on Haiphong.

The North Vietnamese foreign ministry rejects the U.S. proposal that each side

withdraw 10 miles from the border strip. Apr. 25—U.S. planes attack a cement plant one mile from Haiphong's center, and petroleum storage tanks and an ammunition dump a few miles beyond Hanoi.

It is disclosed that yesterday U.S. planes bombed 2 North Vietnamese military air-fields. This is the first time the U.S. has bombed bases designed for use by MIG jet planes.

The Peking radio broadcasts a report that Chinese fighter planes downed 2 U.S. jets over the Kwangsi Chuang Autonomous Region, which has a common frontier with North Vietnam.

Apr. 27—The Vietcong, in a radio broadcast, announces that it will observe a 48-hour truce on May 23, to honor the birth of Buddha.

ARGENTINA

Apr. 22—The government publishes a new 126-article law regulating national universities in Argentina.

BELGIUM

Apr. 9—Visiting U.S. Vice-President Hubert Humphrey encounters hostile demonstrators in Brussels. (See also *U.S., Foreign Policy*.)

BOLIVIA

Apr. 10—A British journalist reports that on his 4-day trip with a jungle patrol, the patrol "discovered a strongly fortified base of Castro-type communist guerrillas deep in the Bolivian jungle."

Apr. 25—It is reported that Bolivian army forces have captured Jules Regis Debray (a French communist and friend of Cuban Premier Fidel Castro) in a battle with rebels.

CANADA

Apr. 4—Roland Michener is appointed governor-general of Canada, succeeding the late Georges P. Vanier.

Apr. 6—in Ottawa, the Bank of Canada announces that it will reduce its bank rate from 5 per cent to 4.5 per cent.

CHINA, PEOPLE'S REPUBLIC OF (Communist)

(See also *Intl. War in Vietnam*, Apr. 25)

Apr. 5—According to a dispatch from *Agence France-Presse*, demonstrations against President Liu Shao-chi continue for the fifth day.

Apr. 10—A Japanese correspondent in Peking reports that Communist Party Chairman Mao Tse-tung and his faction have gained control of the politburo of the Communist Party's central committee.

Apr. 12—*The New York Times* reports that Ma Szu-tsung, a prominent Chinese composer and violinist, escaped from Communist China last December and is living in New York City. The U.S. State Department declares that asylum has been granted to Ma and his family.

Apr. 17—Wall posters in Peking call for the death of President Liu Shao-chi for plotting against Party Chairman Mao Tse-tung.

Apr. 20—in Peking, hundreds of thousands demonstrate in the streets to celebrate the establishment of the Peking Revolutionary Committee that opposes President Liu.

FRANCE

(See also *U.S., Foreign Policy*)

Apr. 1—French President Charles de Gaulle accepts the resignation of Premier Georges Pompidou.

Apr. 3—in the national assembly, the Gaulists' candidate for assembly president, Jacques Chaban-Delmas, is elected.

Apr. 6—President de Gaulle asks Premier Georges Pompidou to form a new cabinet.

Apr. 7—Pompidou announces his new cabinet; it remains essentially unchanged.

Apr. 18—Pompidou tells the national assembly that France will continue its "policy of independence"; he declares that France still "remains the friend of the United States . . ."

Apr. 26—at a cabinet meeting, de Gaulle and his cabinet decide to ask the national assembly for special executive powers for a 6-month period. In effect, the national assembly is asked to give up its right to debate and vote on many economic and

social measures planned by the government.

GERMAN DEMOCRATIC REPUBLIC (East)

Apr. 17—In an address before the congress of the Socialist Unity (Communist) Party, the first secretary of the Party, Walter Ulbricht, proposes that West German Chancellor Kurt Georg Kiesinger meet with East German Premier Willi Stoph to "negotiate an understanding between the two German states." Ulbricht's statement is made in response to a West German appeal for improved relations. It is expected that West Germany will reject Ulbricht's proposal because it would mean recognition of East Germany.

Apr. 18—Soviet Communist Party Chief Leonid I. Brezhnev, speaking at the East German Communist Party congress, appeals for world communist unity.

Apr. 20—Delegates at the party congress unanimously adopt a declaration urging negotiations with West Germany on establishing normal relations.

GERMANY, FEDERAL REPUBLIC OF (West)

Apr. 5—Visiting U.S. Vice-President Humphrey confers in Bonn for 3 hours with Chancellor Kiesinger. (See also *U.S., Foreign Policy*.)

Apr. 13—*The New York Times* reports that West German and Communist Chinese representatives have conferred secretly on improving Sino-German trade.

Apr. 19—Konrad Adenauer, first chancellor of the German Federal Republic, dies at 91.

Apr. 25—Konrad Adenauer is accorded a state funeral. U.S. President Johnson attends.

Apr. 26—Before leaving Germany, President Johnson confers for over 2 hours with Chancellor Kiesinger.

GHANA

Apr. 17—An attempted coup by army officers is crushed by loyalist troops.

GREECE

Apr. 3—King Constantine asks Panayotis Kanellopoulos to form a new cabinet.

Apr. 12—Some 2,000 building workers, demonstrating against the new conservative government of Kanellopoulos, battle police in Athens.

Apr. 14—Premier Panayotis Kanellopoulos dissolves parliament rather than ask the legislature to approve his 11-day-old cabinet. He calls elections for May 28.

Apr. 21—Following an army coup d'état last night, Constantine V. Kollias, chief prosecutor of the Greek supreme court, is made premier. The army says that it is acting in the name of King Constantine. Premier Kollias, in a proclamation, declares that the coup was "a deviation from the constitution" but that the scheduled elections would only lead to chaos.

Apr. 22—It is reported that King Constantine has refused to sign a decree declaring a state of siege and suspending constitutional liberties, despite the junta's claims yesterday that the King had signed it.

Apr. 23—An Athens armed forces radio broadcast explains officially that Greece has been under a state of siege since April 21. It is reported that King Constantine is under house arrest at his country palace.

Apr. 26—King Constantine attends a cabinet meeting of the new military government. Later the King issues a statement expressing his desire that "the country shall revert to parliamentary government as soon as possible."

Apr. 29—Interior Minister Brigadier Stylianos Patakos announces that Greece's major left-wing party (Democratic Left) has been abolished. He declares that the new regime will revise the constitution to provide for a strong executive, and will end bureaucratic delays.

Apr. 30—in a show of solidarity, King Constantine appears at the Armored Training Center in Athens for the traditional Easter celebration. The King is accompanied by Brigadier Stylianos Patakos, a leading member of the junta.

HUNGARY

Apr. 14—Jenoe Fock is named premier of Hungary, succeeding Gyula Kallai. President Istvan Dobi resigns, and is replaced by Pal Losonczi, the minister of agriculture.

INDIA

Apr. 9—President Sarvepalli Radhakrishnan announces that he will retire when his term of office ends in May, 1967.

Apr. 13—The Indian government formally protests the U.S. decision to sell Pakistan spare parts for its U.S.-made jet planes and tanks. (See also *U.S., Foreign Policy*.)

INDONESIA

Apr. 29—Two Indonesian diplomats and their families, expelled from Communist China, face 2,000 Chinese demonstrators as they prepare to depart.

IRAQ

Apr. 3—A Baghdad radio report discloses that the Iraqi cabinet and the higher defense council, in joint session, have indefinitely extended the term of office of President Abdul Rahman Arif.

Apr. 20—It is reported that Iraq and Kuwait have mobilized troops on their common border and have called home their ambassadors, after Iraqi border guards violated Kuwait's frontier.

ISRAEL

Apr. 7—It is reported that Israeli Mirage fighter planes downed 6 MIG-21's belonging to the Syrian air force in a series of plane battles. The fighting started with border shooting between Israelis and Syrians.

JORDAN

Apr. 15—Elections for a new parliament are held.

Apr. 16—32 members are reelected to the 60-member house of representatives; 28 members are elected for the first time. (There are no political parties in Jordan.)

Apr. 23—King Hussein appoints Saad Jumma to serve as the new premier.

KUWAIT

(See *Iraq*)

NETHERLANDS, THE

Apr. 3—A coalition government, headed by Petrus J. S. de Jong, is formed 47 days after the general election.

NIGERIA

Apr. 1—Lieutenant Colonel Yakubu Gowon, the supreme commander, attacks the Eastern Region's decision (made yesterday) to stop paying taxes directly to the central government. The Eastern Region's edict orders federal tax collectors in the East to channel funds to the regional, not the federal, government.

Apr. 19—The government of the Eastern Region takes control of federal services, i.e., ports, railroads, post offices, telegraph services, national broadcasting, coal mining, shipping and marketing, in an order signed by the Eastern military governor, Lieutenant Colonel Odumegwu Ojukwu.

Apr. 22—in a communique following a 2-day meeting of the supreme military council, it is announced that the federal government will take stern measures against the Eastern Region.

SAUDI ARABIA

Apr. 26—Former King Saud, in exile in Cairo, broadcasts to his people urging them to rise up against the present Saudi régime led by his half-brother, King Faisal.

SOUTH AFRICA, REPUBLIC OF

Apr. 11—Prime Minister Balthazar J. Vorster tells parliament that the government will allow international sports (athletic) teams with nonwhite members to visit and participate in international competition. He reaffirms separation of the races in internal sports competition.

SPAIN

Apr. 12—Spain partially restricts the air space over the British colony of Gibraltar as part of its drive to gain possession of Gibraltar.

Apr. 24—Spain clarifies its ban on air flights over Spanish territory and territorial waters near Gibraltar; Spain will only partially close the Bay of Algeciras to British flights.

SYRIA

(See *Israel*)

TOGO

Apr. 15—It is reported that last night Lieutenant Colonel Etienne Eyadema announced that he will become president and will dissolve the ruling National Reconciliation Committee.

TURKEY

Apr. 2—President Cevdet Sunay departs for a 12-day official visit to the U.S. (See also *U.S., Foreign Policy*.)

U.S.S.R., THE

Apr. 11—Marshal Andrei A. Grechko is named minister of defense to succeed the late Marshal Rodion Y. Malinovsky.

Apr. 12—The Soviet ambassador to China, Sergei G. Lapin, is appointed director general of *Tass* (official press agency).

Apr. 21—Svetlana Alliluyeva (the daughter of Joseph Stalin) arrives in the U.S. from Switzerland. (See *U.S.S.R.*, Mar. 9, *Current History*, May, 1967, p. 314.)

Apr. 23—*Tass* reports that the Soviet Union has launched a manned spacecraft, Soyuz I; it is the first Soviet manned space flight in 2 years.

Apr. 24—After piloting Soyuz 1 for a little over 24 hours, Colonel Vladimir M. Komarov is killed during the spacecraft's re-entry. He is the first astronaut known to have died in space.

Apr. 30—The Soviet Union awards Lenin peace prizes to the Reverend Martin Niemoller of West Berlin; Abram Fischer, imprisoned South African attorney; and Rockwell Kent, American artist, among others.

UNITED KINGDOM, THE

(See also *Intl., E.E.C., EFTA; U.S., Foreign Policy*)

Apr. 13—The British government announces that it has decided against resuming talks with Spain over Gibraltar after Spain restricts Gibraltar's air space. (See also *Spain*.)

Apr. 17—Michael Stewart, minister for economic affairs, tells the House of Commons that the government will maintain its controls over wages and prices for one more year.

Apr. 27—Defense Minister Denis Healey declares that during the next year Britain will reduce its forces in the Far East from 50,000 to 30,000 men.

British Territories

South Arabia, Federation of

Apr. 2—Terrorist violence in the Arab slums of Aden greets a U.N. mission that is to help plan the Federation's transition to independence.

Apr. 3—Pro-Nasser Arabs riot in Aden.

Apr. 8—The 3-man U.N. delegation leaves Aden; it charges that British authorities in Aden have refused to cooperate.

Apr. 30—in Aden, a schoolbus is destroyed by a bomb apparently planted by anti-British terrorists.

Swaziland

Apr. 25—Sobhuza II becomes the constitutional monarch of Swaziland, a British protectorate that has been promised full independence before the end of 1969.

UNITED STATES, THE

Agriculture

Apr. 7—Oren Lee Staley, president of the National Farmers Organization, declares that milk dumping has stopped. Dairy farmers are now sending milk to plants for processing into cheese, butter or dry milk. These products will be stored until the farmers receive a price increase on milk. (See *U.S., Agriculture, Current History*, May, 1967, pp. 314f.)

Apr. 21—The American National Cattlemen's Association announces that it has begun a campaign to reduce beef produc-

tion by 5 per cent to force up beef prices.

Apr. 25—Secretary of Agriculture Orville L. Freeman reveals that the price paid to dairymen (under federal milk marketing orders) for bottled milk will be raised on the average of one half cent a quart. Other measures to help the farmer are announced, including President Lyndon B. Johnson's release of \$18.5 million in frozen emergency loan funds to the Farmers Home Administration.

Civil Rights

Apr. 9—In the second outbreak in 24 hours, Negroes in Nashville, Tennessee, stone policemen, shoot at passing cars and set fire to at least 1 store. Many rioters, including students from Fisk and Tennessee A. & I. universities (predominantly Negro) shout "Black power-Black power."

Apr. 10—A resolution adopted by the directors of the National Association for the Advancement of Colored People (N.A.A.C.P.), rejects Martin Luther King's proposal to fuse the civil rights and peace movement. The resolution asserts that "The N.A.A.C.P. remains committed to its primary goal of eliminating all forms of racial discrimination and achieving equal rights and equal opportunities for all Americans." (See also U.S., *Foreign Policy*.)

Apr. 12—As they are arraigned on charges of conspiracy in the deaths of 3 civil rights workers in 1964, 18 white men in Meridian, Mississippi, plead not guilty in a U.S. district court.

Apr. 17—at a 5-hour meeting in Montgomery, Alabama, Governor Lurleen Wallace and her husband George confer on the school desegregation issue with Governors John McKeithen of Louisiana, Paul B. Johnson of Mississippi and Lester G. Maddox of Georgia. Eight other border and southern state governors do not attend. The 4 Democratic governors issue a statement condemning the federal desegregation orders but affirming that their "actions will continue to be within the law."

Apr. 24—in Louisville, Kentucky, open hous-

ing demonstrators stage a protest automobile drive through the wealthy East Side. Since April 11, when a proposed open housing ordinance was defeated by the Board of Aldermen, over 700 demonstrators have been arrested under a temporary ban on night marches.

Economy

Apr. 6—The Federal Reserve Board unanimously votes to cut the discount rate from 4.5 per cent to 4 per cent, the first reduction since 1960.

Apr. 8—President Johnson orders the release of \$1.1 billion in federal funds for highway construction and 6 other programs. The funds were frozen in the fall of 1966.

Apr. 12—The Commerce Department publishes a report estimating that in the first quarter of 1967 the gross national product failed to grow for the first time in 6 years.

Apr. 23—The Commerce Department reports that in 1966 the average per capita personal income in the U.S. reached a record \$2,940.

Foreign Policy

(See also *Intl*, *Latin America*, *NATO*, *War in Vietnam*; *German Federal Republic*; *Yemen*)

Apr. 1—at the President's Texas ranch, 29 ambassadors from 20 Latin American countries are entertained at a barbecue by President and Mrs. Johnson.

Johnson signs a joint congressional resolution to give emergency food aid to India.

U.S. Vice-President Hubert Humphrey meets privately at the Vatican with Pope Paul VI, and briefs him on U.S. policy in Vietnam.

Apr. 3—Visiting Turkish President and Mrs. Cevdet Sunay are greeted at the White House by President and Mrs. Johnson.

Apr. 4—in an interview, Martin Luther King, head of the Southern Christian Leadership Conference, asserts that Negroes and "all white people of goodwill" should protest the war in Vietnam by becoming conscientious objectors to military service. (See also U.S., *Civil Rights*.)

In a private meeting with some 200 members of the British Parliament during his visit to London, Humphrey defends U.S. policy in Vietnam.

Apr. 5—West Berlin police announce that 11 persons have been arrested for plotting to kill Humphrey, who is due to arrive in West Berlin tomorrow.

William S. Gaud, administrator of the Agency for International Development, tells the House Foreign Affairs Committee that the U.S. plans to make contraceptive pills available to developing nations that have voluntary birth control programs.

Apr. 7—In France, Humphrey faces crowds of demonstrators throwing paint and eggs. He talks with French President Charles de Gaulle.

Apr. 10—Humphrey returns from a 7-nation European tour.

Johnson leaves for Punta del Este, Uruguay, to attend a 3-day conference with 18 Latin American chiefs-of-state.

The U.S. government protests to France the burning of an American flag torn from the entrance of the American Cathedral in Paris during Humphrey's visit there last week.

Apr. 12—The U.S. State Department announces that it will not resume shipments of entire weapons to India and Pakistan; only shipments of spare parts will be sent.

Apr. 13—In a speech on the Senate floor, Senator Mike Mansfield (D.-Mont.) criticizes U.S. policy in West Europe and appeals for a reduction of U.S. troop levels in Europe.

Apr. 14—The U.S. State Department announces that it has informed the General Dynamics Corporation that it will not permit the sale of a deep-diving research submarine to the U.S.S.R. In January, the Soviet Union offered to buy a midget 2-man research submarine from General Dynamics.

Apr. 15—In New York City, over 100,000 peace demonstrators march through the streets and assemble before the U.N. for a rally against the war in Vietnam. The demonstration in New York City and a

similar, smaller one in San Francisco, California, are sponsored by the Spring Mobilization Committee to End the War in Vietnam.

President Johnson arrives at the LBJ ranch in Texas, after the Punta del Este conference. George Christian, White House press secretary, discloses that Johnson has received a report from FBI Director J. Edgar Hoover on "antiwar activity"—i.e., on groups opposing the war in Vietnam.

Apr. 24—General William C. Westmoreland, chief of U.S. military operations in Vietnam, speaking at the annual luncheon of the Associated Press in New York City, declares that in Vietnam, the U.S. will face "in the months ahead some of the bitterest fighting of the war." He observes that U.S. critics of the Vietnamese War give the enemy "... hope that he can win politically that which he cannot accomplish militarily."

Apr. 25—The Senate, 88-0, votes to approve the treaty on the peaceful uses of outer space. (For text of treaty, see *Current History*, March, 1967, pp. 175ff.)

U.S. Ambassador Henry Cabot Lodge leaves Saigon. In an interview in Saigon last week, reported today, Lodge declared that the military should be included in any South Vietnamese government. He will take up his duties as ambassador-at-large after a rest.

Ellsworth Bunker, the new ambassador to South Vietnam, arrives in Saigon to begin his duties.

Robert J. McCloskey, State Department spokesman, announces that the U.S. is reviewing its program of military and economic aid to Greece.

In the Senate, several Democratic senators criticize U.S. escalation of the war in Vietnam.

Apr. 27—Senator Thruston B. Morton (R.-Ky.) criticizes General Westmoreland's April 24 attack on critics of the war in Vietnam. Morton observes that "Those who would decry 'unpatriotic acts at home' during a period of bloody conflict abroad,

without differentiating between flag burners, draft-card burners, peaceful demonstrators and United States senators exercising their responsible rights of dissent; only add fuel to the fires of irresponsible opposition that continue to plague present Administration policies."

Apr. 28—General Westmoreland addresses a joint session of Congress. On the issue of anti-war dissent, Westmoreland declares only that "in evaluating the enemy strategy, it is evident to me that he believes our Achilles heel is our resolve." He also asserts that the U.S. "will prevail in Vietnam over the Communist aggressor."

Government

Apr. 3—Postmaster General Lawrence F. O'Brien proposes that the Post Office Department be replaced by a nonprofit government corporation to upgrade postal service.

Apr. 4—President Johnson signs an amended \$12.2-billion Vietnam defense supplemental appropriation bill for fiscal 1967. An amendment to this bill prevents the Defense Department from deactivating 11 Air National Guard and Air Force Reserve transport groups.

Apr. 5—Clay L. Shaw (New Orleans business executive) pleads not guilty at his arraignment on charges of conspiring to kill President Kennedy. (See *U.S., Government, Current History*, May, 1967, p. 317.)

Johnson asks Congress to increase federal employees' (civilian and military) salaries by 4.5 per cent. Johnson also asks Congress to raise the rates on first, second and third class mail and on some types of fourth class mail.

Apr. 6—The White House announces that General Creighton W. Abrams, Jr., has been named deputy to General William Westmoreland. Abrams succeeds Lieutenant General John A. Heintges in this second-ranking military job in Vietnam.

Apr. 7—Robert G. Baker is sentenced to 1 to 3 years in prison. The former Senate employee has been convicted for income tax evasion, theft, fraud and conspiracy.

A U.S. district court judge, hearing Congressman Adam Clayton Powell's (D.-N.Y.) petition appealing his exclusion from Congress, declares that the judicial branch has no right to order Congress to seat Powell.

Apr. 8—President Johnson names a special committee to review the postal system "to determine whether the high quality postal service which Americans have come to expect can better be performed by a Cabinet department, a Government corporation or some other form of organization."

Apr. 11—Powell is reelected in a special election in the 18th congressional district in New York City. He defeats his 2 opponents by a margin of almost 7 to 1.

Apr. 13—Voting 400-0, the House of Representatives votes to establish an ethics committee to formulate rules of conduct for congressmen and House employees.

By a vote of 48-42, the Senate votes to repeal the campaign financing law that allows individual taxpayers to assign \$1 of their personal income taxes to a presidential campaign fund. The law was passed in 1966.

Apr. 27—The Senate Ethics Committee unanimously recommends that Senator Thomas J. Dodd (D.-Conn.) be censured for his conduct. The committee has discovered that Dodd diverted at least \$116,083 for personal use out of some \$450,273 received from testimonial dinners and campaign funds.

Apr. 28—President Johnson asks Congress to extend the railroad strike ban by 47 days to June 19. He promises to recommend new legislation to "protect the public interest in this case."

The special force on the police of the President's Commission on Crime reports that "No lasting improvement in law enforcement is likely in this country unless police-community relations are substantially improved."

Labor

Apr. 8—Trucking Employers, Inc. (a group of 1,500 truck operators) announces that it

will "lock out" over 200,000 Teamsters at midnight, in retaliation for work stoppages by Teamsters while contract negotiations are in process.

Apr. 9—Secretary of Labor W. Willard Wirtz confers with Teamsters and trucking officials. Thousands of Teamsters have been locked out by T.E.I.

Apr. 10—The 13-day strike by the American Federation of Television and Radio Artists against 3 major radio and television networks ends when a new settlement is ratified. The strike against Mutual Broadcasting System, a radio network, ended April 1.

Apr. 11—at the President's request, the Senate and House approve a joint resolution to delay for 20 days a national railway strike by 6 shop craft unions. The new strike deadline set by the unions is May 3.

Apr. 12—A tentative accord is reached by the International Brotherhood of Teamsters and T.E.I. Union locals must ratify the new contract. Trucking operations resume.

Johnson signs the bill delaying a railway strike.

Apr. 16—President Johnson directs Attorney General Ramsey Clark to seek an injunction under the Taft-Hartley Act to prevent workers at the Lycoming Division plant of the Avco Corporation in Stratford, Connecticut, from striking for 80 days. Lycoming makes helicopter engines needed in Vietnam.

Apr. 17—After a one-day strike, a federal judge in New Haven, Connecticut, William H. Timbers, orders workers at Lycoming to return to their jobs.

Apr. 22—at the United Automobile Workers' special convention in Detroit, Michigan, some 3,000 delegates vote to authorize the union's executive board to withdraw from the American Federation of Labor-Congress of Industrial Organizations. U.A.W. President Walter P. Reuther announces that the U.A.W. will withdraw if the A.F.L.-C.I.O. does not reform itself.

Apr. 25—the general vice-president of the Teamsters union, Frank E. Fitzsimmons,

announces that ballots from 278 of the 370 locals indicate that the vote is running in favor of the contract tentatively approved April 12.

Judge Timbers orders an 80-day cooling-off period for Lycoming workers retroactive to April 17.

Military

Apr. 20—The Treasury Department reports that the March, 1967, total of U.S. military expenses was a record \$6.7 billion.

Apr. 28—Cassius Clay, the world heavyweight boxing champion, refuses to be inducted for military service at the Houston, Texas, Armed Forces Examining and Entrance Station.

Politics

Apr. 7—Michigan Governor George Romney (R.), in a speech in Hartford, Connecticut, endorses U.S. military policy in Vietnam.

Apr. 14—Former U.S. Vice-President Richard M. Nixon arrives in Saigon, South Vietnam, for 3 days of conferences. He declares that Democratic critics of President Johnson prolong the war because they encourage the enemy to resist.

U.S. Vice-President Humphrey, on a 2-day tour of Georgia, confers with Governor Lester G. Maddox (D.). Humphrey declares that "the Governor of Georgia is a good Democrat."

Science and Space

Apr. 4—The National Aeronautics and Space Administration announces a top-level management reorganization stemming from the spacecraft fire of January 27, 1967.

Apr. 9—the 8-man review board investigating the fire that took the lives of 3 astronauts finds that, although it is unable to pinpoint the exact cause, the tragedy was probably due to a faulty electric wire. In a 3,000-page report, the "many deficiencies in design and engineering, manufacture and quality control" of the Apollo program are criticized.

Apr. 18—Surveyor 3 successfully lands on the moon and relays pictures to the U.S. The

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spacecraft has a metal scoop for picking up a portion of the moon's surface for examination by its cameras.

Apr. 22—It is reported that the lunar surface scooped out by Surveyor 3 is apparently soft but firm enough to support weight.

Supreme Court

Apr. 17—Ruling 8 to 4, the Supreme Court refuses to grant a stay to 6 school districts in Louisiana pending an appeal of the decision by the U.S. court of appeals for the fifth circuit on March 29 ordering all public schools in 6 southern states to desegregate by September, 1967.

VATICAN, THE

(See *U.S., Foreign Policy*)

VIETNAM, REPUBLIC OF (South)

(See also *Intl. War in Vietnam*)

Apr. 1—The new constitution is signed by Chief of State Nguyen Van Thieu, and is promulgated.

YEMEN

- Apr. 26—The office of the U.S. aid mission to Yemen is attacked by stone-throwing rioters.
- Apr. 27—The U.A.R. national press agency reports from Sana, the Yemeni capital, that the Republican government has accused 2 U.S. officials of firing a bazooka at an ammunition dump during yesterday's anti-American rioting. In Washington, the State Department rejects charges of sabotage by U.S. officials.
- Apr. 28—The U.S. announces that it is withdrawing its aid mission to Yemen.

YUGOSLAVIA

- Apr. 19—in Belgrade, Mihajlo Mihajlov is sentenced to 4.5 years in jail for spreading hostile propaganda. Mihajlov is already serving a prison sentence for spreading false information.

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